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PRIVATE AND LOCAL LAWS

PASSED BY THE

LEGISLATURE OF WISCONSIN,

IN THE YEAR

EIGHTEEN HUNDRED AND FIFTY-NINE.

PUBLISHED BY AUTHORITY.

MADISON, WIS.:
JAMES ROSS, STATE PRINTER—PATRIOT OFFICE.
1859.

6 1970

LIST OF MEMBERS AND OFFICERS.

"SECTION 1. * * * *There shall be prefixed to each volume of the Laws hereafter published, the names and residence of the several State Officers, the Senators, and Members of the Assembly, and the Presiding Officers, and Clerks of both branches of the Legislature, at the time of the passage of such Laws.*"—GENERAL LAWS 1854, CHAPTER 94.

NAMES AND RESIDENCE

OF THE STATE OFFICERS, SENATORS, MEMBERS OF THE ASSEMBLY, PRESIDING OFFICERS, AND CLERKS OF BOTH BRANCHES OF THE LEGISLATURE, IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

NAME.	OFFICE.	RESIDENCE.	
		Post Office.	*County.*
Alexander W. Randall..	Governor	Waukesha	Waukesha.
William H. Watson.....	Private Sec'y to Governor	Milwaukee....	Milwaukee.
E. D. Campbell.....	Lieut. Governor.....	La Crosse.....	La Crosse.
David W. Jones.....	Secretary of State.....	Madison	Dane.
James D. Ruggles	Assistant do.....	....do.....	Dane.
Samuel D. Hastings ...	State Treasurer.....	Trempeleau...	Trempeleau.
F. A. Scofield.....	Assistant do.....	Madison	Dane.
Gabriel Bouck.....	Attorney General.....	Oshkosh	Winnebago.
Jeremiah Crowley.....	Assistant do.....	....do.....	Winnebago.
Lyman C. Draper.....	State Superintendent....	Madison	Dane.
S. H. Carpenter.....	Assistant do.....	....do.....	Dane.
Joel C. Squires.....	Bank Comptroller.....	Mineral Point.	Iowa.
A. Menges.....	Assistant do.....	Madison	Dane.
Edward McGraw.....	State Prison Commissioner	Sheboygan	Sheboygan.
James Giddings.....	Assistant do..	Waupun	Dodge.
Horace Rublee.....	State Librarian.....	Madison	Dane.
R. H. Hotchkiss.....	.....Senator.....	Plymouth.....	Sheboygan.
M. L. Martin.....	.....do.....	Green Bay....	Brown.
Lion Silverman.....	.....do.....	Ozaukee	Ozaukee.
Densmore W. Maxon...	.....do	Cedar Creek...	Washington.
Cicero W. Comatock....	.....do.....	Milwaukee....	Milwaukee.
P. Walsh	.....do.....	....do.....	Milwaukee.
Nicholas D. Fratt.....	.....do.....	Racine	Racine.
Samuel R. McClellan...	.....do.....	Wilmot	Kenosha.
H. W. Curtis.....	.....do.....	Delton..	Sauk.
D. Worthington.....	.....do.....	Summit.....	Waukesha.
W. R. Taylor	.....do.....	Cottage Grove.	Dane.
John W. Boyd.....	.....do.....	Geneva.....	Walworth.

NAME.	OFFICE.	RESIDENCE.	
		Post Office.	*County.*
P. B. Simpson	Senator	Shullsburg	La Fayette.
William Chappell	do	Watertown	Jefferson.
Charles G. Rodolf	do	Orien	Richland.
N. H. Virgin	do	Platteville	Grant.
Z. P. Burdick	do	Janesville	Rock.
A. I. Bennett	do	Beloit	Rock.
Samuel H. Thurber	do	Manitowoc	Manitowoc.
E. Pier	do	Fond du Lac	Fond du Lac.
G. W. Washburn	do	Oshkosh	Winnebago.
William E. Smith	do	Fox Lake	Dodge.
E. D. Masters	do	Jefferson	Jefferson.
J. W. Warren	do	Albany	Green.
Moses M. Davis	do	Portage City	Columbia.
Andrew Proudfit	do	Madison	Dane.
Luther Hanchett	do	Stanton	Portage.
Daniel Mears	do	Osceola Mills	Polk.
M. N. Seely	do	Marquette	Green Lake.
W. H. Tucker	do	La Crosse	La Crosse.
Wm. P. Lyon, *Speaker*	Member of the Assembly	Racine	Racine.
William Aldrich	do	Two Rivers	Manitowoc.
William Balloch	do	Yorkville	Racine.
Luther Basford	do	Glen Haven	Grant.
Jacob Beck	do	Milwaukee	Milwaukee.
Geo. W. Beckwith	do	Omro	Winnebago.
Geo. Bennett	do	Kenosha	Kenosha.
Jesse Bennett	do	Fountain City	Buffalo.
John C. Bishop	do	Le Roy	Dodge.
William W. Blackman	do	Stoughton	Dane.
Ira Blood	do	Mukwonago	Waukesha.
Alvan E. Bovay	do	Ripon	Fond du Lac.
John R. Bohan	do	Ozaukee	Ozaukee.
Geo. Broderick	do	Hazel Green	Grant.
Elisha L. Carpenter	do	Beloit	Rock.
Warner C. Carr	do	Crystal Lake	Waupaca.
Luther A. Cole	do	Watertown	Jefferson.
Sylvester J. Conklin	do	Waterloo	Jefferson.
Edward P. Conrick	do	Delavan	Walworth.
Alexander J. Craig	do	Palmyra	Jefferson.
William S. Cross	do	Milwaukee	Milwaukee.
Charles T. Deissner	do	Waukesha	Waukesha.
Richard Dewhurst	do	Neilsville	Clark.
John P. Dickson	do	Janesville	Rock.
William Dixon	do	Lone Rock	Richland.
James B. Dunn	do	Manitowoc	Manitowoc.
Richard P. Eighme	do	Oshkosh	Winnebago.
Andrew E. Elmore	do	Mukwonago	Waukesha.
Thomas H. Eviston	do	Milwaukee	Milwaukee.
William Fields, Jr.	do	Depere	Brown.
William M. Griswold	do	Columbus	Columbus.
Edward Hasse	do	Milwaukee	Milwaukee.
Harrison C. Hobart	do	Chilton	Calumet.
Daniel Hooper	do	Troy	Walworth.
Frederick W. Horn	do	Cedarburg	Ozaukee.

NAME.	OFFICE.	RESIDENCE.	
		Post Office.	*County.*
Franklin E. Hoyt	Member of the Assembly.	Rochester	Racine.
John O. Jones	do	Cambria	Columbia.
John Keenan	do	Fitchburgh	Dane.
Charles J. Kern	do	Milwaukee	Milwaukee.
William P. King	do	Merton	Waukesha.
Cyrus S. Kneeland	do	Waupun	Dodge.
David W. Kyle	do	Shullsburg	La Fayette.
John C. Lewis	do	Fond du Lac	Fond du Lac.
James Little	do	Sheboyg'nFalls	Sheboygan.
Stephen D. Littlefield	do	Sheboyg'nFalls	Sheboygan.
John Lowth	do	Lowell	Dodge.
Waldo Lyon	do	Hustisford	Dodge.
Charles W. Marshall	do	La Crosse	La Crosse.
Silas C. Matteson	do	Waucousta	Fond du Lac.
Marcus W. McCracken	do	Superior	Douglass.
Wm. M. McGranahan	do	Fayette	La Fayette.
James C. McKisson	do	Wheatland	Kenosha.
H. A. W. McNair	do	Fennimore	Grant.
Gardiner C. Meigs	do	Arena	Iowa.
Lorenzo Merrill	do	Burnett	Dodge.
Frederick Moscowitz	do	Milwaukee	Milwaukee.
James S. Murphy	do	Benton	La Fayette.
Newton S. Murphy	do	Whitewater	Walworth.
James B. Ormsby	do	Oxford	Marquette.
Harlow S. Orton	do	Madison	Dane.
Edwin Palmer	do	Milwaukee	Milwaukee.
Thomas Palmer	do	Mayville	Dodge.
O. Hugo Petters	do	Murone	Fond du Lac.
Albert H. Pierce	do	Monticello	Green.
Joseph K. P. Porter	do	Cooksville	Rock.
Reuben Rockwell	do	Springfield	Walworth.
Eli O. Rudd	do	Reedsburg	Sauk.
John D. Rush	do	Winneconne	Winnebago.
Parker Sawyer	do	Summit	Waukesha.
William N. Shafter	do	Sheboygan	Sheboygan.
Matthias Simon	do	Anepee	Kewaunee.
Adam Smith	do	Burke	Dane.
Geo. B. Smith	do	Madison	Dane.
Geo. C. Smith	do	Oakland	Jefferson.
Perry H. Smith	do	Appleton	Outagamie.
James W. Seaton	do	Potosi	Grant.
Gustave Streckewald	do	Hartford	Washington.
James A. Swain	do	Milwaukee	Milwaukee.
Jesse Thomas	do	Green Lake	Green Lake.
John Toay	do	Mineral Point	Iowa.
Thomas W. Tower	do	Towerville	Crawford.
John Turner	do	Mauston	Juneau.
Gysbert Van Steenwyk	do	Kilbourn City	Columbia.
Leonard S. Van Vliet	do	Cal'do'iaCentre	Racine.
Edward Vincent	do	Milton	Rock.
James Vollmar	do	West Bend	Washington
Ferdinand Wagner	do	Watertown	Jefferson.
Jesse Waldorf	do	Plattville	Grant.

NAME.	OFFICE.	RESIDENCE.	
		Post Office.	*County.*
Joseph Walter	Member of the Assembly.	Milwaukee	Milwaukee.
Chester N. Waterbury	do	Roxbury	Dane.
Edmund A. West	do	Monroe	Green.
Nelson Wheeler	do	Humboldt	Sauk.
William E. Wheeler	do	Beloit	Rock.
Charles White	do	Calona	Waushara.
Warren Whiting	do	Ladoga	Fond du Lac.
James S. Young	do	Stevens' Point	Portage.
Philip Zimmerman	do	Staatsville	Washington.
E. D. Campbell	Lt. Gov. & Pres't of Senate	La Crosse	La Crosse.
Wm. P. Lyon	Speaker of the Assembly.	Racine	Racine.
Hiram Bowen	Chief Clerk of Senate	Janesville	Rock.
C. M. Cook	Assistant do	Madison	Dane.
L. H. D. Crane	Chief Clerk of Assembly	Ripon	Fond du Lac.
John S. Dean	Assistant do	Wiota	La Fayettee.

PRIVATE AND LOCAL LAWS

OF THE

STATE OF WISCONSIN.

CHAPTER 1.

AN ACT to legalize the Assessment of Taxes in the County of Calumet.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The assessment of taxes in the several towns in the county of Calumet as equalized by the County Board of Supervisors of said county, at their annual session in the year 1858, is hereby declared to be valid and legal to all intents and purposes. Assessment of taxes declared legal.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 20, 1859.

CHAPTER 2.

AN ACT to legalize the Assessment Roll of the City of LaCrosse for the year 1858.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The assessment roll of the city of La Crosse for the year 1858, is hereby declared to be valid Assessment roll declared legal.

and legal to all intents and purposes, notwithstanding any informality in making out and completing the same.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 20th, 1859.

CHAPTER 3.

AN ACT to Legalize the Assessment Rolls of the County of Sheboygan.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Assessments valid and legal.

SECTION 1. The assessments of the several towns and wards in the county of Sheboygan for the year 1858, as equalized by the County Board of Supervisors are hereby declared to be valid and legal to all intents and purposes.

§ 2. The assessment rolls of the several towns and wards in the county of Sheboygan for the year 1858, as certified by the chairman and clerk of the board of supervisors, are hereby declared to be valid and legal to all intents and purposes, notwithstanding any informality in making out the same.

§ 3. This act shall take effect and be in force from and after its passage.

Approved January 20, 1859.

CHAPTER 4.

AN ACT to extend the time for Collecting Taxes for the year 1858 in the Counties of Brown, Oconto, Calumet, Manitowoc and Ozaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time extended for payment of taxes.

SECTION 1. The time for the voluntary payment of all taxes except state taxes on property in the counties of Brown, Oconto, Calumet, Manitowoc and Ozaukee, for the year 1858, levied pursuant to any law of this State is hereby extended to the third Monday in July

next, and it shall not be lawful for any town, city, or village treasurer, in said counties, to levy the same by distress and sale, prior to said day.

Returns of delinquent taxes.

§ 2. In all cases where the treasurer of any town, city or village in said counties shall not have made his returns of delinquent taxes before receiving notice of the passage of this act, he shall retain in his hands for collection all delinquent taxes and may receive such of the taxes thereon, as shall be paid voluntarily, prior to the third Monday in July next, and receipt the same to the person or corporation making such payment therefor without other or farther authority, than the original warrant, issued to him for the collection of the same.

Ibid.

§ 3. In all cases where the treasurer of any city, town or village in said counties, shall before receiving notice of the passage of this act, have made return to the county treasurer of delinquent taxes, for said year 1858, the said county treasurer, shall not issue any warrant to the sheriff for the collection of the same, till after the fourth Monday in August next.

Unpaid taxes—duty of Treasurer.

§ 4. If upon the third Monday in July next, there shall be remaining in the hands of any town, city or village treasurer any delinquent and unpaid taxes, it shall be the duty of such officer to present his original warrant to the officer who issued the same for a renewal thereof, and it is hereby made the duty of said officer to renew the same for thirty days from said third Monday in July, by endorsement under his hand, and the said Treasurer shall thereupon proceed to enforce collection of the same by distress and sale in the manner now provided by existing laws, and shall make return of such warrant and tax list to the county treasurer on the fourth Monday in August next, in the manner now provided by existing laws.

Term of office extended.

§ 5. The term of office of the treasurer of the towns, cities and villages in Brown, Oconto, Calumet, Manitowoc and Ozaukee counties for the purposes of this act, is hereby extended to the fourth Monday in August next; but said treasurers shall give a new official bond, before the first Tuesday in March next, in double the amount of delinquent taxes retained in their hands.

Construction of act.

§ 6. Nothing in this act contained shall be construed to authorize any collector to retain in his hands any taxes already collected by him; and every collector is hereby required to pay over to the proper officer in person such taxes as he may have collected on the

and legal to all intents and purposes, notwithstanding any informality in making out and completing the same.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 20th, 1859.

CHAPTER 3.

AN ACT to Legalize the Assessment Rolls of the County of Sheboygan.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Assessments valid and legal.

SECTION 1. The assessments of the several towns and wards in the county of Sheboygan for the year 1858, as equalized by the County Board of Supervisors are hereby declared to be valid and legal to all intents and purposes.

§ 2. The assessment rolls of the several towns and wards in the county of Sheboygan for the year 1858, as certified by the chairman and clerk of the board of supervisors, are hereby declared to be valid and legal to all intents and purposes, notwithstanding any informality in making out the same.

§ 3. This act shall take effect and be in force from and after its passage.

Approved January 20, 1859.

CHAPTER 4.

AN ACT to extend the time for Collecting Taxes for the year 1858 in the Counties of Brown, Oconto, Calumet, Manitowoc and Ozaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time extended for payment of taxes.

SECTION 1. The time for the voluntary payment of all taxes except state taxes on property in the counties of Brown, Oconto, Calumet, Manitowoc and Ozaukee, for the year 1858, levied pursuant to any law of this State is hereby extended to the third Monday in July

next, and it shall not be lawful for any town, city, or village treasurer, in said counties, to levy the same by distress and sale, prior to said day.

Returns of delinquent taxes.

§ 2. In all cases where the treasurer of any town, city or village in said counties shall not have made his returns of delinquent taxes before receiving notice of the passage of this act, he shall retain in his hands for collection all delinquent taxes and may receive such of the taxes thereon, as shall be paid voluntarily, prior to the third Monday in July next, and receipt the same to the person or corporation making such payment therefor without other or farther authority, than the original warrant, issued to him for the collection of the same.

Ibid.

§ 3. In all cases where the treasurer of any city, town or village in said counties, shall before receiving notice of the passage of this act, have made return to the county treasurer of delinquent taxes, for said year 1858, the said county treasurer, shall not issue any warrant to the sheriff for the collection of the same, till after the fourth Monday in August next.

Unpaid taxes—duty of Treasurer.

§ 4. If upon the third Monday in July next, there shall be remaining in the hands of any town, city or village treasurer any delinquent and unpaid taxes, it shall be the duty of such officer to present his original warrant to the officer who issued the same for a renewal thereof, and it is hereby made the duty of said officer to renew the same for thirty days from said third Monday in July, by endorsement under his hand, and the said Treasurer shall thereupon proceed to enforce collection of the same by distress and sale in the manner now provided by existing laws, and shall make return of such warrant and tax list to the county treasurer on the fourth Monday in August next, in the manner now provided by existing laws.

Term of office extended.

§ 5. The term of office of the treasurer of the towns, cities and villages in Brown, Oconto, Calumet, Manitowoc and Ozaukee counties for the purposes of this act, is hereby extended to the fourth Monday in August next; but said treasurers shall give a new official bond, before the first Tuesday in March next, in double the amount of delinquent taxes retained in their hands.

Construction of act.

§ 6. Nothing in this act contained shall be construed to authorize any collector to retain in his hands any taxes already collected by him; and every collector is hereby required to pay over to the proper officer in person such taxes as he may have collected on the

CHAPTER 5. first Monday of every month until the time shall have elapsed to make his return as herein before provided.

§ 7. This act is hereby declared to be in force from and after its passage.

Approved January 22, 1859.

CHAPTER 5.

AN ACT to legalize the assessment of taxes in the counties of Douglass and LaPointe.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Assessment declared valid.

SECTION 1. The assessment and collection of taxes in the counties of Douglass and LaPointe for the year 1857, is hereby declared to be as valid and binding to all intents and purposes as if the same had in all respects fully complied with all the provisions of law then in force relative to the assessment and collection of taxes, and the sale of lands in said counties for delinquent taxes for that year, is hereby authorized to be made in the year 1859, in connection with the sale of lands in said counties for delinquent taxes of the year 1858, and such sale shall be as binding as if made at the time prescribed by law.

Extension of time for collection and return of taxes.

§ 2. The time in which any act in relation to the assessment, equalization, collection and return of taxes in said counties for the year 1858 should be done, is hereby extended thirty days; and all acts of assessors, town clerks, town treasurers, sheriffs, county treasurers, and clerks of the board of supervisors in said counties in and about the assessment and collection of taxes for said year 1858, whether within the time prescribed by law or afterwards, are hereby declared to be as valid and binding in all respects as if the same had been done within the time prescribed by law, and the time of the sale of lands for delinquent taxes in said counties is hereby extended for eight weeks from and after the time now required by law.

Approved January 25th, 1859.

CHAPTER 6.

AN ACT to reduce the Capital Stock of the Wisconsin Bank of Madison.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The capital stock of the Wisconsin Bank of Madison is hereby reduced to fifty thousand dollars. Capital stock reduced.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 25th, 1859.

CHAPTER 7.

AN ACT to extend the time for the payment of Taxes and Assessments in the city of Racine.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sale of lands now unsold in the city of Racine by the treasurer of said city, upon which the taxes or assessment levied for the year 1858 are now unpaid, be and the same is hereby postponed until the first Monday in April, 1859. Time extended for payment of taxes.

§ 2. On said first Monday of April, the treasurer of said city shall commence the sale of lands upon which the taxes or assessments levied under the charter of said city shall not have been paid, adding interest to the amount of taxes levied upon said lands, calculated at the rate of twelve per cent. from the first day of January preceeding, to that day, and shall continue the sale from day to day until the sale shall be completed. Such sale, and all subsequent acts and proceedings, shall be conducted by the treasurer as now required by the charter of said city, as near as may be consistently with this act, and all sales so made, and the certificates of sale made in pursuance thereof, shall have the same validity and effect as if such sale had taken place at the time and manner now prescribed by the city charter. Sale of lands for non-paym't of taxes.

§ 3. Between the first and second Monday of April next, the city treasurer shall make return to the county treasurer, as now required by law, the time for making Duty of Treasurer.

CHAPTER 8. such return being hereby extended as in this section specified, and the county treasurer upon receiving such returns shall proceed conformably to existing laws to collect the taxes so returned by the city treasurer as unpaid, and shall proceed in the same manner as now required by existing laws.

Interest. § 4. The city treasurer shall collect interest on all amounts paid to him for taxes, after the fifteenth day of February next, calculated at the rate of twelve per cent. from the first day of January preceeding, to the day on which such taxes are paid.

Construction. § 5. The word "lands" used in this act shall be construed to include tracts divided into lots and blocks, or other subdivisions, as well as tracts not so divided, and all buildings and other improvements thereon.

State tax. § 6. This act shall in no way operate to extend the time limited for the payment of the State tax by the treasurer of Racine county.

§ 7. This act shall take effect and be in full force from and after its passage.

Approved January 25th, 1859.

CHAPTER 8.

AN ACT to legalize the Equalization of Taxes in the County of Ozaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Equalization declared valid. SECTION 1. The equalization of the assessment of taxes as made in the county of Ozaukee by the board of equalizers of said county, at their annual session in 1858, is hereby declared to be legal and valid to all intents and purposes.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 28, 1859.

CHAPTER 9.

AN ACT for the relief of "The Bank of La Pointe" and "The St. Croix Valley Bank.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The bank comptroller is hereby authorized to publish as required by sec. one of chapter 98 of general laws of 1858, the notices filed in his office on the 11th of January, 1859, by the Bank of La Pointe and the St. Croix Valley Bank. Publication of notice.

§ 2. The notices of removal and location of the Bank of La Pointe and St. Croix Valley Bank when published shall have the same force and effect, as if the said notices had been filed and published within the time required by secs. 19 and 20 of chap. 98 of general laws of 1858. Force and effect

§ 3. This act shall take effect from and after its passage.

Approved January 28, 1859.

CHAPTER 10.

AN ACT to authorize the Trustees of the First Presbyterian Society in Burlington to sell their Real Estate.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the Trustees of the First Presbyterian Society, of Burlington, Racine county, be, and they are hereby authorized and empowered to sell and convey by deed or otherwise, as they or a majority of them shall direct, the church edifice belonging to said society, together with the grounds on which it stands, and known as lot No. three, in block No. two, of Perkin's second addition to the village of Burlington, and divide the proceeds of such sale *pro rata* among the several shareholders of the same. Authority to sell real estate.

§ 2. This act shall be in force from and after its passage.

Approved January 28, 1859.

CHAPTER 11.

AN ACT to extend the time for the collection of taxes in the city of Beloit.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time for payment of taxes extended.

SECTION 1. The time for the collection of taxes in city of Beloit, in the county of Rock, is hereby extended until the first Monday of April, 1859. *Provided*, That this act shall not be so construed as to extend the time for the payment of State taxes.

Powers of collector.

§ 2. The collector of taxes shall have the same power and authority to proceed in the collection of taxes contained in said city tax roll, after, as before, such extension of time for the collection of said taxes, and the return of the collector of taxes to the county treasurer within the time limited and specified by this act, extending the time for the collection of taxes, shall be as valid and effectual, as if made pursuant to the direction of the original warrant.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 1, 1859.

CHAPTER 12.

AN ACT to provide for the Assessment and Collection of Taxes in the town of New Berlin, Waukesha county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to make an assessment roll.

SECTION 1. The chairman of the board of supervisors, town clerk, and town superintendent of the town of New Berlin, in Waukesha county, are hereby authorized to make an assessment roll of the taxable property in said town, and for that purpose shall take the assessment roll made out and equalized by the county board of assessors of said county, and shall have power to correct all errors of descriptions in said said list, and to supply oll omissions of property that was taxable on the first day of June, 1858, and shall complete said assessment roll by the 10th day of February next, and deliver a copy thereof to the town clerk of said town, who shall immediately proceed to compute the amount of taxes due on said assessment roll, and complete the same by the 20th day of February next.

§ 2. The town clerk shall deliver said assessment roll to the town treasurer whenever he shall produce the proper certificate of the county treasurer that his bond has been approved and filed in his office.

Town Clerk.

§ 3. The said assessment roll, when perfected and delivered as aforesaid, shall be of equal validity and have the same force and effect as though the same had been made out as required by chapter 115 of the general laws of 1858.

Force and effect.

§ 4. In case of the neglect or refusal of either of the persons herein named to perform any of the duties imposed by the first section of this act, any two of them may perform the service so required.

Neglect or refusal to act.

§ 5. The time for the collection of taxes in said town and the payment of the county and state tax is hereby extended to the first day of April next, and the present treasurer of the said town of New Berlin is hereby authorized to collect said tax, and his term of office for that purpose is hereby extended to that date.

Extension of time for collecting taxes.

§ 6. This act shall take effect immediately after its passage and publication.

Approved February 3d, 1859.

CHAPTER 13.

AN ACT to authorize the Town Clerk of the the town of Cyrstal Lake in county of Marquette to correct and adjust the Assessment Roll of said town, and to extend the time for the collection thereon.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The town clerk of the town of Crystal Lake, in the county of Marquette, is hereby authorized and empowered to correct and adjust the assessment roll of said town, now in his hands as such clerk, and to perfect the same by a re-assessment of the taxable property in said town and by an assessment of such property as is liable to assessment and not now upon said assessment roll, subject to the approval of the board of supervisors of said town, to be endorsed thereon in writing.

Authority to correct assessment roll.

§ 2. The time for the collection and return of the taxes in the town of Crystal Lake, in the county of Marquette, is hereby extended to the first day of April next.

Time for collection of taxes extended.

§ 3. This act shall be in force from and after its passage.

Approved February 3d, 1859.

CHAPTER 14.

AN ACT to legalize the proceedings of Joint School District No. one, of the town of Utica, Rushford, Omro, and Nepuskun.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Proceedings declared valid.

SECTION 1. All taxes voted or levied, and all contracts made, or liabilities incurred, and all proceedings had in joint school district No. one, comprising parts of the towns of Utica, Rushford, Omro and Nepuskun, in the county of Winnebago, for the purpose of erecting the school house therein situated, are hereby declared to be legal and valid.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 4, 1859.

CHAPTER 15.

AN ACT to authorize the Town Clerk of the Town of Port Washington in the county of Ozaukee to correct and adjust the Assessment Roll of said Town for the year 1858.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Town Clerk authorized to correct assessment roll.

SECTION 1. The town clerk of the town of Port Washington, in the county of Ozaukee, is hereby authorized to correct and adjust the assessment roll of said town for the year 1858.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 4, 1859.

CHAPTER 16.

AN ACT to legalize the assessment of State, County and School Taxes in the county of Milwaukee for the year 1858, and the Assessment Rolls made in pursuance of such Assessment.

The people of the State of Wisconsin, represented in Senate and Asesmbly, do enact as follows:

Assessment declared valid.

SECTION 1. The assessment of State, County and School taxes in the county of Milwaukee, for the year 1858, and the assessment rolls therein made in pursuance of such assessment, are hereby declared to be legal and valid to all intents and purposes, notwithstanding any mistakes, informalites or irregularities in making out, equalizing and returning of the same.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 4, 1859.

CHAPTER 17.

AN ACT to amend the act entitled "an act to extend the time for collecting taxes for the year 1858, in the counties of Brown, Oconto, Calumet, Manitowoc and Ozaukee."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time for collecting taxes extended.

SECTION 1. The provisions of the act entitled "an act to extend the time for collecting taxes for the year 1858. in the counties of Brown, Oconto, Calumet, Manitowoc and Ozaukee," of which this is amendatory, shall extend to and have force in the counties of Kewanee, Door, and Shawanaw, and the time for the voluntary payment of taxes for the year 1858 in said last named counties, and the manner of collection thereof, shall be as prescribed in the act of which this is amendatory, for the counties named therein.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 4, 1859.

CHAPTER 18.

AN ACT to authorize the correction of the Assessment Roll of the city of Milwaukee for the year 1858, and a re-levy of taxes in said city for the said year.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to correct assessment roll.

SECTION 1. The common council of the city of Milwaukee are hereby authorized to correct the asssessment roll of the said city made for the year 1858, by rectifing all errors and illegal assessments apparent on the same, and also wherever improvements are assessed on the wrong lot or piece of land by correcting the error and assessing them on the proper lot or piece of land.

§ 2. Such correction shall be made within thirteen days from the passage of this act, or as soon thereafter as it conveniently can be done.

Duty of Common Council.

§ 3. When such assessment roll shall have been so corrected, the common council shall, by resolution, declare the same to be the assessment roll of said city for the said year, and such resolution shall be conclusive evidence that such assessment roll is valid and legal.

Tax to be levied.

§ 4. The common council shall thereupon levy such tax upon the property so assessed, as they were authorized to levy for the year 1858.

Duty of Clerk.

§ 5. It shall be the duty of the clerk of the said city to report without delay to the clerk of the board of supervisors of the county of Milwaukee, a list of all the corrections of the assessment roll so made by the common council, and the said clerk of the board of supervisors, if the board of supervisors shall not then be in session, shall, as soon as practicable after the reception of such list, call a meeting of the board of supervisors of said county.

Re-levy of tax.

§ 6. The said board shall re-levy upon the assessment roll of the said city, corrected as aforesaid, percentages, for state and county purposes, which will produce the same amounts intended to be produced by their former levy on the assessment roll of 1858.

§ 7. The clerk of the said board of supervisors shall, within a reasonable time, furnish copies of such proceedings to the treasurer of the city of Milwaukee.

Duty of Treasurer.

§ 8. It shall be the duty of the treasurer of said city to correct the tax lists now in his hands so as to make them correspond with the assessment roll as corrected, and the taxes as levied under this act.

§ 9. The treasurer, in correcting said list, shall not be required to enter the amount of tax as corrected against the separate lots, pieces of land, property or persons charged on said lists, or to change the separate entries now made thereon; but he may make and sign such general explanation or explanations in said lists as will, by aid of the sums now entered, show the true tax against such lot, pieces of land, property or person, as levied under this act. Ibid.

§ 10. As soon as the said tax lists are corrected as aforesaid, the treasurer shall certify the fact to the common council, who shall thereupon, by resolution, authorize the said treasurer to proceed without the necessity of any further notice or publication on his part, to collect said taxes, including special taxes and assessments as well as school taxes as now on said lists in accordance with the provisions of the charter of said city and the several amendments thereto in force on the 31st day of December, 1858, except as provided in this act. Corrected tax lists.

§ 11. The said treasurer shall attach to the lists a copy of his certificate to the common council, and such certificate, with the tax list to which it is attached, shall be prima facie evidence of the amount and legality of the tax in such list charged against any lot or piece of land or person. Treasurer's certificate.

§ 12. On the first Monday of April next the city treasurer shall make his return of delinquent taxes for state, county, and school purposes, to the county treasurer. Return of delinquent taxes.

§ 13. The county treasurer shall proceed to collect the said taxes in accordance with the law in force on the 31st December last, and on the third Monday of April next shall proceed to sell, according to the provisions of said law, all lots and lands upon which the said taxes shall then remain unpaid. Collection of taxes.

§ 14. He shall, before commencing said sale, give public notice of the time and place of such sale, by advertisement for at least three days in the official papers of said county. Public notice of tax sale.

§ 15. The effect of the sale, and all proceedings subsequent, shall be the same as they would have been under said law, which, for the purposes of this act is hereby revived and declared to be in force. Effects of sale.

§ 16. The city treasurer shall, without any further notice, on the said first Monday in April, in accordance City Treasurer.

CHAPTER 19. with the provisions of the said city charter and the amendments thereto in force on the 31st day of December last, proceed to sell the lots and lands within the said city upon which the taxes levied by the common council under this act, or the special taxes or assessments shall then remain unpaid.

Effect of sale. § 17. The effect of the said sale, and all the proceedings subsequent thereto, shall be in accordance with the said charter and the amendments thereto as in force on the said 31st day of December last.

Term of office extended. § 18. The term of office of the present treasurer of said city is hereby continued and extended to the first Monday in June, 1859, at which time the term of office of his successor shall commence. The present treasurer shall, within thirty days after the passage of this act, give new bonds in the manner now required of a treasurer of said city, before entering upon the duties of his office.

Powers of Treasurer. § 19. In case the tax charged on said lists as they now are, against any lot, piece of land, property or person has already been paid, and shall exceed or be equal to the tax to be levied under this act, the treasurer, in correcting said lists shall not be required to make any new charge against any such lot, piece of land, property or person, but such excess shall be paid by the treasurer to the person who paid the tax upon his producing the receipt therefor. In case such payment be less than the tax to be levied under this act, the tax shall be charged, but the amount paid shall be credited.

§ 20. This act shall take effect from and after its passage.

Approved February 4th, 1859.

CHAPTER 19.

AN ACT to incorporate the Wolf River Bridge Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporate body SECTION 1. That Ira Willard, [Millard,] Henry Ketchum, Alfred Lyon, Benjamin S. Stimpson and Perly Dickinson, and such other persons as they may associate with them, be, and they are hereby incorporated by the name and style of the Wolf River Bridge Company.

§ 2 Said Company shall have power to build and maintain a bridge across the Wolf river, at any point within the village of New London, in the county of Waupacca, that said company shall deem proper. Powers.

§ 3. The said bridge shall not be less than sixteen feet wide and shall have a draw or swing of not less than fifty feet across the channel of said river, to admit the free passage of rafts and vessels without unnecessary delay, and said bridge shall be kept and maintained as a free bridge, for the passage of the traveling public, and it shall not be lawful for said company or any of its agents or employees to receive any toll or compensation whatever from any person or persons crossing said bridge. Restrictions, &c.

§ 4. In the opinion of the legislature, the objects of this act cannot be attained by a general law, nor by authority or charter from the board of Supervisors of said county.

§ 5. This act shall take effect and be in force from and after its passage.

Approved February 4, 1859.

CHAPTER 20.

AN ACT concerning the collection of taxes in the town of Port Washington.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The town clerk of the town of Port Washington, in the county of Ozaukee, is authorized, empowered and directed to calculate and carry out upon the corrected assessment roll for his town for the year one thousand eight hundred and fifty-eight, the the amount of state, county and school tax apportioned to his town for said year, together with all town and other local taxes, as provided in section fifty-nine of chapter eighteen of the revised statutes, and to deliver to the town treasurer of his town a copy of such assessment roll, so completed, on or before the first day of March, in the year one thousand eight hundred and fifty-nine, with his warrant annexed thereto, commanding such treasurer to collect and return the taxes in said assessment roll and tax list specified, on or before the 16th day of May, 1859, which warrant shall be Duty of town clerk—taxes.

CHAPTER 21. substantially in the form of the warrant for the collection of taxes prescribed by section 61 of chapter 18 of the revised statutes.

Duty of town treasurer.

§ 2. The town treasurer of said town, upon receiving such copy of the assessment roll, with the tax list annexed, shall forthwith proceed to collect the taxes and charges in such list carried out pursuant to the statute regarding the collection and return of taxes, and shall complete the collection of such taxes and make return to the county treasurer of said county on or before the third Monday in May, in the year one thousand eight hundred and fifty nine.

Overpayments.

§ 3. All payments which have been made to the said treasurer, to apply as payments of taxes in said town for the year one thousand eight hundred and fifty-eight, upon any tax list for the taxes of said year, in the hands of such treasurer, previous to the passage of this act, shall be deemed to be a payment of taxes upon the list hereby directed to be made, and any person who shall have paid to such treasurer, upon any tax list for the year 1858, delivered to such treasurer previous to the passage of this act, a sum greater than he or she was liable to be assessed for said year, shall be entitled to recover from such town such sum or sums as he may have so overpaid.

Time for collecting taxes extended.

§ 4. The time for collecting the taxes in said town of Port Washington and for the treasurer of said town to make his return to the county treasurer, is extended to the third Monday of May, next after the passage of this act.

§ 5. This act shall take effect and be in force from and after its passage.

Approved February 12, 1859.

CHAPTER 21.

AN ACT to authorize the St. Croix River Bank to reduce its capital.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Pow'r to reduce capital stock.

SECTION 1. The St. Croix River Bank of this State is hereby permitted to reduce its capital stock to a sum not less that twenty-five thousand dollars upon filing with the Bank Comptroller a certificate from the Secretary of State that said bank has complied with the

requirements of subdivision thirteen (13) of "an act to amend chapter 479 of the general laws of Wisconsin for the year 1852, entitled 'an act to authorize the business of banking in the State of Wisconsin,'" approved May 15, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced; *Provided*, That said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section, and said bank shall be required to pay to the State Treasurer all taxes due the State on the full amount of its capital up to and including the day on which such certificate is filed with the Bank Comptroller. CHAPTER 22. Proviso.

§ 2. The President and Cashier of the St. Croix River Bank shall immediately after the passage of this act, file in the office of Register of Deeds, in the county where said bank is located, and where its notes are redeemed, a certificate under oath, stating the sum to which the capital stock is reduced. Duty of President, &c.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 12, 1859.

CHAPTER 22.

AN ACT to authorize the Lumberman's Bank of this State to reduce its capital.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Lumberman's Bank of this State is hereby permitted to reduce its capital stock to a sum not less than fifty thousand dollars, upon furnishing to the Bank Comptroller a certificate from the Secretary of State that the said bank has complied with the requirements of subdivision thirteen (13) of an act to amend chapter 479 of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the State of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced; *Provided*, the amount to which such capital stock is reduced shall not be less than the amount of notes in circulation issued by said bank and secured by public stocks. Power to reduce capital stock.

CHAPTER 23.

Duty of President and Cashier.

§ 2. The President and Cashier of the Lumberman's Bank shall, immediately after the passage of this act, file in the office of the Register of Deeds, in the county where said bank is located, and where its notes are redeemed, a certificate under oath, stating the sum to which the capital stock of said bank is reduced.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 12, 1859.

CHAPTER 23.

AN ACT to authorize the Oconto County Bank to reduce its Capital.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Power to reduce capital stock.

SECTION 1. The Oconto County Bank of this State is hereby permitted to reduce its capital stock to a sum not less than fifty thousand dollars upon filing with the Bank Comptroller, a certificate from the Secretary of State that said bank has complied with the requirements of subdivision thirteen, (13) of an act to amend chapter 479 of the general laws of Wisconsin, for the year 1852, entitled "an act to authorize the business of banking in the State of Wisconsin," and approved May 15, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced.

Proviso.

Provided, That said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate, required in this section, and said bank shall be required to pay to the State Treasurer, all taxes due the state, on the full amount of its capital up to and including the day on which such certificate is filed with the Bank Comptroller.

Duty of President and Cashier.

§ 2 The president and cashier of the Oconto County Bank, shall immediately, after the passage of this act, file in the office of the Register of Deeds, in the county where said bank is located, and where its notes are redeemed, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 12, 1859.

CHAPTER 24.

AN ACT to authorize the Treasurer of the City of Oshkosh to collect Taxes in certain cases, and to make return of lands to the County Treasurer for non-payment of taxes in such cases.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Extension of time for payment of taxes.

SECTION 1. The time for the payment of all taxes and assessments of what kind or nature soever, due and unpaid in the city of Oshkosh, for the year 1857, is hereby extended until the first Monday of March next, and the the treasurer of said city is hereby authorized and empowered to collect said taxes under and by virtue of the warrant issued for that purpose except in cases where the collection thereof is restrained by injunction or order of a court of competent jurisdiction, said taxes adjudged illegal and void by a court of competent jurisdiction, and in the collection of said taxes the treasurer shall be governed by all the provisions of the charter of said city applicable thereto except as otherwise herein provided.

Sale of lots for unpaid taxes.

§ 2. In case any portion of said taxes due to said city shall remain unpaid on said first Monday of March, 1859, the said treasurer may proceed at any time thereafter to sell all such lots or tracts of land upon which any such taxes shall remain due and unpaid as aforesaid, having first given two weeks notice of the time and place of such sale, in some newspaper published in said city for two successive weeks immediately preceding the day of such sale. It shall not be necessary for said treasurer in said notice to give any description of the lands to be sold as aforesaid.

Redemption of lands sold for taxes.

§ 3. When any lands shall be sold under the provisions of this act, the treasurer shall issue and give to the purchaser a certificate thereof, as now provided by the charter of said city, bearing the same rate of interest, as therein provided. And if the said lands or any part thereof be not redeemed within two years from the time of such sale by the proper person paying the amount which the same was sold, with interest at the rate of twenty-five per cent. per annum, and all legal charges thereon, the treasurer shall convey the same to such purchaser or his assignee as now provided by the charter of said city and the acts amendatory thereto, and all the provisions of said charter and the acts amendatory thereto, concerning the sale of lands for

CHAPTER 25. unpaid taxes, and assessments and proceedings subsequent to and under said sale, shall be applicable to the sale or sales provided for in this act except as otherwise herein provided.

Unpaid taxes. § 4. In case there shall be due and unpaid upon said lands or any portion thereof, any state, county, or state school taxes, the said treasurer shall proceed in collecting and returning the same in the manner prescribed by law, except as otherwise provided in this act. Nothing contained in this act shall be deemed to waive any illegal act or proceeding making and levying said taxes, or in collecting the same.

§ 5 This act shall take effect and be in force from and after its passage.

Approved February 12, 1859.

CHAPTER 25.

AN ACT to authorize the Frontier Bank of this State to reduce its capital.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Power to reduce capital stock. SECTION 1. The Frontier Bank of this state is hereby permitted to reduce its capital stock to a sum not less than thirty thousand dollars, upon filing with the Bank Comptroller, a certificate from the Secretary of State, that said bank has complied with the requirements of subdivision thirteen, (13) of an act to amend chapter 479 of the general laws of Wisconsin, for the year 1852, entitled "an act to authorize the business of banking in the State of Wisconsin," approved May 15, 1858, and setting forth in such certificate the amount to which such capital stock is to be reduced. *Provided*, That said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section, and said bank shall be required to pay to the State Treasurer all taxes due to the state on the full amount of its capital up to and including the day on which such certificate is filed with the Bank Comptroller.

Proviso.

Duty of President, &c. § 2. The president and cashier of the Frontier Bank shall immediately after the passage of this act, file in the office of the Register of Deeds in the county where

said bank is located and where its notes are redeemed, a certificate under oath, stating the sum to which the capital stock is reduced. CHAPTER 26.

§ 3. This act shall take effect and be in force from and after its passage.'

Approved February 15, 1859.

CHAPTER 26.

AN ACT to authorize the Clark County Bank, of this State, to reduce its Capital.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Clark County Bank, of this state, is hereby permitted to reduce its capital stock to a sum not less than fifty thousand dollars, upon filing with the Bank Comptroller a certificate from the Secretary of State that said Bank has complied with the requirements of subdivision thirteen (13) of "an act to amend chapter 479 of the general laws of Wisconsin for the year 1852, entitled 'an act to authorize the business of banking in the State of Wisconsin,'" approved May 15th, 1858, and setting fourth in said certificate the amount to which such capital stock is to be reduced. *Provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section; and said bank shall be required to pay to the State Treasurer all taxes due the state on the full amount of its capital up to and including the day on which such certificate is filed with the Bank Comptroller. Power to reduce capital stock. Proviso.

§ 2. The president and cashier of the Clark County Bank shall, immediately after the passage of this act, file in the office of the Register of Deeds in the county where said bank is located and where its notes are redeemed, a certificate under oath, stating the sum to which the capital stock of said bank is reduced. Duty of President.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 15th, 1859.

CHAPTER 27.

AN ACT to repeal chapter 256 of the Private and Local Laws of 1858, entitled "an act concerning the county seat of Polk county."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Repealed.

SECTION 1. The act entitled "an act concerning the county seat of Polk county," approved May 15th 1858, and printed in the volume of Private and Local Laws as chapter 256, is hereby repealed.

When to take effect.

§ 2. This act shall be printed by the state printer immediately after its passage, and when so printed shall take effect and be in full force.

Approved February 15th, 1859.

CHAPTER 28.

AN ACT to legalize the acts of the Treasurer of the city of La Crosse in selling lots and lands in the year 1858.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Declared valid.

SECTION 1. The acts of the Treasurer of the city of La Crosse in selling lots and lands for taxes, in the year 1858, are hereby declared to be valid and legal, to all intents and purposes.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 16, 1859.

CHAPTER 29.

AN ACT to provide for laying out a State road from Wautoma, in Waushara county, to the Wisconsin river, in Adams county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Lowell Atwood, Huntress Ross and William S. Rider are hereby appointed commissioners to lay out and establish a State road from the village of Wautoma, in Waushara county, on or near the town line between towns eighteen and nineteen, and running west to the Wisconsin river, in Adams county. Commission to lay out State road.

§ 2. Said commissioners shall, immediately after laying out said road, cause a report of their survey to be made and filed with the Clerk of the Board of Supervisors of each county through which said road passes, and in all respects comply with chapter nineteen of the revised statutes. Report of survey.

§ 3. Such commissioners shall be entitled to such compensation as the Board of Supervisors of each county through which said road shall pass, shall deem proper, and the same shall be paid by said counties respectively; *Provided*, That no compensation shall be allowed for laying out so much of said road as may lie upon any other road which may have been laid out at the time of laying out said State road. Compensation, &c.

§ 4. This act shall take effect and be in force from and after its passage.

Approved February 17, 1859.

CHAPTER 30.

AN ACT to amend "an act to incorporate the village of Waukesha."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The inhabitants of the district of country included within the following limits and boundaries, in township number six, north of range number nineteen east, in the county of Waukesha, to wit: beginning at the south-west corner of the east half of the south-west quarter of section number three, (3) from thence due north on said line to town line, from thence east on Boundaries.

CHAPTER 80.

said line to the north-east corner of the town plat of "Prairieville village" from thence south on the line of said village to the centre of Main street in said village, from thence westerly following the centre of said street until it intersects the highway (or what is now used and fenced as such, running from said street south, through the lands of Henry Bowron) from thence following the centre of said highway until it strikes the line running north and south through the centre of the north-west quarter of section number two, (2) from thence on said line to the south line of section two, (2) from thence west to the place of beginning—are hereby created a body corporate and politic by the name and style of "The President and Trustees of the village of Waukesha" and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places, and in all matters whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal, and may change the same at pleasure, and shall be competent to have and exercise all the rights and privileges, and be subject to all the duties and obligations pertaining to a municipal corporation.

Corporations.

Corporate powers.

§ 2. The government of said corporation, and the exercise of its corporate powers and management of its fiscal, prudential and municipal concerns, shall be vested in a president and six trustees, and such other officers as are hereinafter provided for.

Elective officers.

§ 3. The elective officers of said corporation shall be one president, six trustees, one marshal, one treasurer, and one assessor, to be elected by the qualified voters thereof at the annual election of said corporation, to be held on the first Tuesday of May in each year, and shall hold their respective offices for one year, and until their successors are chosen and qualified.

Elections.

§ 4. At all elections of officers in said corporation, every person residing therein, qualified to vote for town officers in the town in which said corporation is situated, and shall have resided in the village ten days next preceding the election at which he may offer his vote, shall be entitled to vote in such village for any officer required to be elected by this act; and the person or persons having the highest number of votes, shall be declared duly elected. Whenever any person shall pre-

sent himself to give his vote, and either of the judges shall suspect that such person does not possess the qualification of an elector, or his vote shall be challenged by an elector, the judges of election or some one of them, before receiving the vote of any such person, shall require such person to take an oath that he possesses the qualifications prescribed in this section of this act, and that he has not voted at such election. If the person offering to vote shall take such oath, his vote shall be received; and if any person shall take such oath knowing it to be false, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof, shall suffer such punishment as is now or shall hereafter be provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding fifty dollars nor less than five dollars, to be recovered in the same manner as other penalties are recovered under this act.

Illegal voting; penalty.

§ 5. At every annual election, the electors may vote for one president, six trustees, one marshal, one treasurer and one assessor.

Annual election.

§ 6. It shall be the duty of the president and trustees to provide the places of holding elections in said village, and to appoint the judges and clerks thereof, provide for making and directing the returns of elections, the time and manner of opening the returns and making an abstract thereof. and of keeping a journal of the same, and make such other arrangements concerning said election as may be lawful and convenient for the citizens of said village.

Ibid—duty of trustees.

§ 7. All elections shall be determined by the president and trustees, within five days after the holding of such election, and the new president may in every case be sworn into office by his predecessor, and he may administer the oath of office to all newly elected officers. In case of a tie between two candidates at any election, the election of one or the other of them shall be determined by lot, in the presence and under the direction of the president and trustees.

How elections are to be determined.

§ 8. The president shall preside at all meetings of the trustees, sign all commissions, licenses, and permits, which may be granted by the trustees; he shall maintain peace and good order and see that the ordinances of the village are observed and executed; and, shall

Powers and duties of President.

CHAPTER 80. have power to appoint special police officers, when deemed necessary. He shall have power to administer oaths or affirmations, and to take and certify acknowledgements of deeds, and other instruments in writing, and as a judicial officer, he shall have concurrent jurisdiction with the justices of the peace of the county of Waukesha, of all cases for the violation of any ordinance of said village, and when presiding at the meetings of the trustees, he shall have a casting vote, when the votes of the members are equal.

Meetings. § 9. The president and trustees shall prescribe the time and fix the place of holding their meetings, which shall at all times be open to the public, shall determine the rule of their proceedings and keep a journal thereof, which shall be open to the inspection of every citizen at all reasonable times and hours; shall have power to preserve order and propriety in their meetings, and may adopt such by-laws, rules and regulations, for their own government as are not inconsistent with the provisions of this act, and shall have power to compel the attendance of its members.

Peace officers. § 10. The president, each and every trustee, marshall, each and every justice of the peace and constable of the town of Waukesha, shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior, in a manner consistent with the ordinances of said village, within the limits thereof, and for such purposes may command the assistance of all by-standers, and if need be, all citizens; and if any person shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay such fine as may be prescribed by ordinance of the village in such case provided.

Marshal—powers and duties. § 11. The marshal shall possess all the powers and enjoy all the rights of a constable of the town of Waukesha and be subject to the same liabilities; it shall be his duty to execute and return all writs and process to him directed by the president, and when necessary in criminal cases or for the violation of any ordinance of said village he may serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances, and breaches of the peace, to apprehend all disorderly persons in said village, and pursue and arrest any person fleeing from justice in any part of the state of Wisconsin, to apprehend any

person in the act of committing any offence against this state or the ordinances of the village, and forthwith to bring such person before competent authority for examination; and for such services he shall receive like fees as are allowed to constables for like services. Said marshal shall execute and file with the clerk a bond for the faithful performrnce of his duty, to be approved by the trustees, and may be required to execute a new bond to the satisfaction of the trustees; and in case of his neglect or refusal so to do, his office may be declared vacant.

Treasurer—powers and duties.

§ 12. The treasurer of said village shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said village. All monies raised, received, recovered and collected by means of any tax, license, fine, forfeiture, or otherwise under the authority of this act, or which belongs to said village, shall be paid into the village treasury, and shall not be drawn therefrom, except by a written order, signed by the president and countersigned by the clerk by order of the trustees. Such order shall specify the amount of money to be drawn, and its object. He shall keep a just and accurate accounts of all moneys coming into his hands as treasurer, in a book to be provided by the trustees for that purpose, which shall remain the property of the village, wherein he shall note the time when, the person from whom, the amount of the several sums received, and the source from whence the said sums respectively arose, which said books at all reasonable times, shall be open to the inspection of the electors of the village; he shall as often as the trustees shall require, render to said trustees a minute account of his receipts and payments, and at the expiration of his term of office, he shall hand over to his successor all moneys, books and vouchers in his possession, belonging to said village.—He shall before he enters upon the duties of his office execute to the president and trustees a bond for the faithful discharge of his duties, to be approved by the trustees; which bond shall be at least in double the amount of taxes to be raised for the year in which he was elected.

Clerk—duties of.

§ 13. The clerk shall be appointed by the trustees, he shall keep the seal of the said corporation, and shall perform such duties and exercise such powers as may be lawfully required of him by the ordinance or direc-

CHAPTER 80. tion of the trustees, who shall fix his compensation therefor, not exceeding the sum allowed by law for like services.

Oath of office. § 14. Every officer elected in said village shall, within ten days after, take and subscribe the oath of office prescribed by the constitution, and file the same with the clerk and in case of his omission to do so, he shall be deemed to have refused to serve and his place shall be filled in the manner prescribed in this act.

Special meetings. § 15. Special meetings of the electors of said village may be called by the clerk of the village, by order o its trustees, by giving ten days notice thereof in a newspaper published in said village, if there be a paper published therein. Every notice of a special meeting shall state the objects for which such a meeting is called.

Vacancies in office. § 16. Any vacancy in the office of president, trustee, marshal, treasurer, or assessor may be filled by the president and trustees by appointment, at any meeting of said trustees.

Powers of President and trustees. § 17. The president and trustees shall have power to enact, establish, publish, enforce, alter, modify, amend, or repeal, all such ordinances, rules and by-laws for the government and good order of the village, for the suppression of vice, for the prevention of fires, and for the benefit of trade and commerce, and for the health thereof, as they may deem expedient, declaring and imposing penalties, and to enforce the same against any person who may violate any of the provisions of such ordinances, rules, or by-laws; and such ordinances, rules and by-laws, are hereby declared to be, and have the force of law; *Provided*, That they be not repugnant to the constitution and the laws of the United States and of this State, and for those purposes, shall have authority by ordinance, or by-laws, to organize fire companies, hook and ladder companies, to regulate the government, and the time and the manner of their exercise, to provide all necessary apparatus for the extinguishment of fires, to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress, or sale, in any manner; and if the owner shall refuse to procure suitable ladders, or fire-buckets, after reasonable notice, the trustees may procure and deliver the same to him and, in default of payment thereof, may

Proviso.

recover of the said owner the value of such ladder or fire-buckets, or both, with costs of suit; to regulate the storage of gunpowder and other dangerous materials; to direct the safe construction of a place for the deposit of ashes; to appoint one or more fire wardens; to enter into, at reasonable times, and examine all dwelling houses, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition; to regulate the manner of putting up stoves and stove pipes; to prevent fires, and the use of fire-works and fire-arms within the limits of said village, or such part thereof as they may think proper; to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down, and raze such building in the vicinity of the fire as shall be directed by the trustees or any four of them, who may be at the fire, for the purpose of preventing its communication to other buildings, and any building so destroyed shall be paid for by the corporation; to construct and preserve reservoirs, pumps, wells and other water-works, and to regulate the use thereof, and generally to establish other measures of prudence for the prevention or extinguishment of fires as they may deem proper.

Fire wardens.

Second. To prevent, abate and remove nuisances, and take such measures for the public health as they may deem proper, and compel the owner or occupant of any grocer, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous houses, or places; to cleanse, remove, or abate the same from time to time as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the village.

Nuisances.

Third. To license and regulate the exhibition of common showmen, or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses, or theatrical performances, under the ordinances or common law.

Exhibitions—licenses.

Fourth. To restrain and prohibit all descriptions of gaming, and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming in said village.

Gambling.

Fifth. To prevent any riots, noise, disturbance, or disorderly assemblages; suppress and restrain disorder-

Riots, &c.

CHAPTER 80. ly houses, or groceries, or houses of ill-fame, shows and exhibitions.

Streets, &c. Sixth. To direct the location and management of all slaughter houses and markets.

Seventh. To prevent the encumbering the streets. side-walk, alleys, or public grounds, with carriages, carts, wagons, sleighs, boxes, lumber fire wood, or other materials or substance whatever.

Horse racing, bathing, &c. Eighth. To prevent horse racing, immoderate driving or riding, in the streets, and to regulate the places of bathing and swimming in waters within the limits of the village.

Cattle, &c. running at large. Ninth. To restrain the running at large of cattle, swine, sheep, horses, and other animals, and to authorize the destraining and sale of the same or to impose a a fine not exceeding five dollars for every such animal found so going at large, in violation of the laws of the village.

Dogs to be taxed, &c. Tenth. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances, or to impose a tax on the same.

Public health. Eleventh. To prevent any person from bringing, depositing, or having within said village, any putrid carcass, or any unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substances, or any putrid or unwholesome beef, pork, fish, hides, or skins of any kind, and in default to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Ibid. Twelfth. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the returns of the bills of mortality, and to exempt burying grounds, set apart for public use, from taxation.

Bridges. Thirteenth. To provide for the security and protection of bridges.

Damage to side walks. Fourteenth. To prevent all persons riding or driving any horse, ox, mule, cattle, or other animal, on the side-walks in said village, or in any other way doing any damage to such side-walk.

Intemperance. Fifteenth. To restrain drunkards, immoderate drinking, or obscenity in the streets or public places, and provide for arresting, removing and punishing any person, or persons, who may be guilty of the same.

Sixteenth. To regulate the police of the village, to appoint watchmen and firemen, prescribe their duties, and punish their delinquencies. Police.

Seventeenth. To protect trees and monuments in the village. Protection of trees, &c.

Eighteenth. To provide for draining low, wet, or marshy lands in said village; and shall have power to tax the property directly benefited by such drains, in such proportion to the benefit derived therefrom as may be determined by the president and trustees, and for such purposes may enter upon such lands and any adjacent lands, for the purpose of digging or constructing such drain, before or after raising a special tax for such purpose. Drains.

Nineteenth. To establish the grade of all streets in said corporation, and to appoint a surveyor and prescribe his duties, and fix his compensation, not to exceed the pay allowed by law to others for like services. Surveyor.

Twentieth. To appoint auctioneers and compel them to pay license. Auctioneers.

§ 18. In all cases in relation to which, by the provisions of this act, the president and trustees have power to enact or pass ordinances or by-laws in relation to any subject; they may prescribe any penalty for the violation of such ordinances or by-laws, not exceeding fifty dollars for any one offence, in violation or non-observance thereof; and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such term as they may by such ordinance direct, not exceeding forty days, for which purpose the said village shall have the use of the jail of Waukesha county, for the imprisonment of any person liable to be imprisoned, and all persons committed to said jail, by the marshall or any other officer, shall be under the charge of the sheriff of said county, and said village shall be liable for the expenses of keeping such persons in said jail. Ordinances and by-laws.

§ 19. All actions for the violation of any ordinance of said village, or for the recovery of any fine, penalty, or forfeiture, for any such violation, may be commenced before any court, justice of the peace, or officer having jurisdiction thereof, by warrant, in the name of the State of Wisconsin, issued upon complaint, on oath, and returnable as warrants in other cases; or by summons issued in the name of the president and trustees of the Violations of ordinances.

CHAPTER 80. village of Waukesha against the defendant, returnable as summons in other cases; and in either case, it shall be sufficient upon joining issue, to set forth in the complaint the special matter complained of, with reference to the ordinance under which the action is brought, and claim that the amount of such fine, penalty or forfeiture is due to the president and trustees of said village; and the defendant in his plea or answer may deny the allegations in said said complaint, and under such plea or answer may prove any special matter in defence; and a printed copy of any ordinance published in a newspaper or pamphlet, by authority of the trustees, shall be *prima facia* evidence of the passage and publication of such ordinance.

Executions. § 20. Every execution issued upon judgment for the violation or non-observance of any ordinance or by-laws of said village, shall contain a clause directing, in the event of non-payment of the judgment, the imprisonment of the defendant in the county jail for such term as shall have been provided for by the ordinance under which the judgment shall have been rendered, all fines, penaltis, and forfeitures when collected, shall be paid into the treasury of said village.

Publication of ordinances, &c. § 21. Any ordinance, regulation, rule or by-law, imposing any penalties or forfeiture for the violation of its provisions, shall be published one week in some newspaper printed in said village, before the same shall be in force, and proof of such publication, by affidavit of the printer or foreman in the office of such newspaper where such publication may have been made, shall be conclusive evidence of the publiccation and promulgation of such ordinances, regulation, rule or by-laws, in all courts and places.

Incompetent judge, witness, &c. § 22. No person shall be an incompetent judge, justice, witness, or juror, by reason of his being an inhabitant of said village, in any action or proceeding in which said village is a party or interested.

Street commissioner. § 23. The trustees shall have power to appoint one street commissioner: to lay out, open, and keep in repair, grade, pave, or otherwise improve streets, avenues, lanes, alleys, sewers, and build and repair sidewalks and cross-walks; the laying out of streets shall be subject to the same provisions, and the same proceedings thereon shall be had as in laying out highways by the town supervisors, except appeals for damages, which may be taken and prosecuted in the same man-

ner as provided in section thirty-three of this act; to insure the public property of the village; to direct in the prosecution and defence of actions in which said village may be a party; to procure the necessary blank-books for records, and such other stationery as may be required for village purposes, to audit and allow all lawful accounts against said village, and to draw an order on the treasurer for the payment of the same; to determine the compensation of the president, clerk, marshall, treasurer, assessor, and street commissioner, subject to the provisions of this act; to levy and collect taxes on all real estate in said village, (except church or school lots), and such other property as shall be subject to town and county taxes; *Provided*, That in any one year the taxes for corporation purposes shall not exceed one per cent. on the assessed valuation taxable property in said village, unless two-thirds of the electors of said village, voting at a meeting legally called for that purpose, shall vote to allow a larger sum to be raised; but in no case shall the electors be allowed to raise more than two per cent. on the assessed valuation as aforesaid. Proviso.

§ 24. No counter claim shall be audited or allowed by the trustees, until it shall be made out in items, and shall be accompanied with an affidavit of the person claiming to have done the services or made the disbursements therein charged, that the several items of the account or claim are correct, that the services therein charged have been rendered, that the disbursements therein charged have been made, and that no part thereof has been paid; such affidavit shall be endorsed on or annexed to such account or claim, and presented and preserved therewith; any one of the trustees when such account or claim shall be presented to them, may administer the oath required in this section; and the said trustees may examine the claimant on oath, as to the items in such account or claim. Accounts.

§ 25. Nothing in the last preceding section shall be construed to prevent the trustees from allowing any account or claim in whole or part, when so made out and verified, nor from requiring other or further evidence of the correctness and reasonableness thereof. Construction of act.

§ 26. Whenever the board of trustees of said village shall determine to have any street, or alley, or any part thereof, in said village, graded, paved, or otherwise improved, they shall levy and cause to be collect- Improvement of streets, &c.

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ed such sum, by tax on the real estate on both sides of such street or alley, or such part thereof as may be benefited by such grading, paving, or other improvement, as shall be necessary to complete the same, such tax to be levied on the last assessed valuation of such real estate; but such valuation may be equalized by said board in such manner as shall seem just and reasonable.

Ib.—taxes, &c.

§ 27. In case the said taxes mentioned in the preceding section, or any tax levied for building and repairing side-walks, or any part of such taxes, shall remain unpaid at the time fixed for the return of the tax list issued therefor, the street commissioner shall return said tax list to the board of trustees of said village, with an affidavit thereto annexed, showing the lots and the amount of taxes thereon remaining unpaid; and the treasurer of said village shall, as soon thereafter as said board shall direct, proceed to advertise and sell said lots so returned, for such taxes and legal charges; and when the money is collected, the trustees may order it paid over to the street commissioner to be expended for the purpose for which it was collected; the treasurer may bid off such lands for said village, when there is no other bider, for the amount of the tax; and in that case the street commissioner may employ some suitable person to do the labor for which said tax was levied; the treasurer, also, may assign the certificate to the person performing the labor. All lands returned by the street commissioner for any special tax, and all lands sold for any delinquent special tax, may be redeemed in the same manner and shall be subject to the same provisions as in case of sales for a general tax under the provisions of this act.

Highway tax.

§ 28. The highway tax levied by the supervisors of the town of Waukesha within said village, shall be expended upon the streets, alleys and highways within the limits of said village by the street commissioner thereof, who is hereby declared to be an overseer of highways, under the direction of the trustees; and the supervisors shall make out and deliver to the street commissioner, a warrant for such highway tax, in the same manner as they are required by law to overseers of highways; and the said street commissioner shall possess all the powers and be subject to all the liabilities and duties that overseers of highways in towns are, so far as the collecting and expending the same and

making returns thereof. The street commissioner elected after the annual election and qualification of trustees in each year, shall be entitled to receive from the town treasurer all moneys collected by him for delinquent highway tax in said village.

Tax for repairing streets, &c.

§ 29. Whenever the trustees shall order sidewalks to be built or repaired upon any street or highway in said village, they may estimate to be necessary for that purpose, they shall levy and cause to be collected such sum as by tax upon all the real estate or lots fronting or bounding on that side of such street where a side walk is ordered to be built or repaired, in equal proportions per foot of the front or width on such street of such lots, and in case any such tax shall prove insufficient to pay the expense of building or repairing any such sidewalk, the trustees shall have power to levy and collect any such deficiency in the same manner as the original tax was levied and collected.

How tax to be levied.

§ 30. Whenever the trustees shall levy any tax for the purpose of grading, paving, or otherwise improving any street, or for the purpose of building or repairin any sidewalk, they shall make out and deliver to the street commissioner a warrant for such tax to be collected and expended, a list of persons and a description of the property taxed; and thereupon the said street commissioner shall notify the persons named in such tax list by publishing a notice in some newspaper published in said village, if there be one, or shall post such notice in three public places in said village, and shall specify in such notice a time or times, not less than twenty days nor more than forty days from the date thereof, when the persons charged with taxes in such list may pay their taxes in labor, materials or money; and the persons charged with such tax may, at such time and place as may be required by such street commissioners, pay their taxes in labor or materials: *Provided*, the labor and materials offered in payment for such taxes are suitable, and such as may be required by said street commissioner.

Duty of street commissioner.

§ 31. At the expiration of the time given in said notice, he shall return the same to the trustees accompanied by a statement verified by his affidavit subscribed thereon, showing the amount of tax collected in labor and materials, and the amount collected in money and the manner in which such money was expended and the items of expenditures; also the taxes which remain

CHAPTER 30. unpaid, and the persons and descriptions of real estate or lots to which such unpaid taxes stand charged.

Drains. § 32. Whenever the president and trustees shall determine to drain any low, wet or marshy land in said village, they shall impose a special tax of such sum as may be necessary therefor, upon the several lots which shall be deemed to be directly benefitted by such draining, and make out and deliver to the street commissioner a tax list therefor, which list shall contain a description of the lots taxed, and the amount of tax levied upon each lot, and thereupon the street commissioner shall give notice to the owners or occupants, of the amount of tax and the time when it may be paid, in the same manner as is required for a tax for the building of sidewalks. Such notice shall, in addition to the lots taxed, contain a brief description of the lots or tracts of land through which said drain is proposed to be made, and the owners thereof may, within the time prescribed by said commissioner, claim damages on account of the digging of said drain. In all cases where damages are claimed by the owners of said lots, the president and trustees may allow such sums as they may deem reasonable, to be paid, which shall be raised by an additional tax on the property directly benefitted. Such tax to be assessed and collected in the same manner as provided in this section.

Award of damages. § 33. If the owner or owners of any of said lots or tracts of land should feel themselves agrieved by the award of damages made by the president and trustees, they may, within thirty days thereafter, apply to any justice of the peace of the town of Waukesha, for a jury to assess and appraise such damages. Such application shall be made in writing, describing the premises, and any number of persons claiming damages on account of such drain, may join in such application; the party appealing shall serve on the president or village clerk, at least six days before the time fixed for making such appraisal, a notice in writing, specifying therein the name of the justice to whom, and the time and place when and where such application will be made.

Costs of appeal. § 34. Any person applying for a jury, as mentioned in the preceeding section, shall, by himself or agent, execute to the president and trustees and file with the justice, a bond with one or more sureties, to be approved by such justice, conditioned to pay all costs arising

from such appeal and appraisal of damages, *Provided* such jury shall not award a larger amount of damages than were awarded by the president and trustees.

Jury to appraise damages.

§ 35. Upon the filing of such bond, the justice shall make a list of fifteen disinterested freeholders of said county, not of kin to the owner or occupant of said lands. Each party may strike off five of said list, and if the president and trustees are neither of them present in person or by attorney, the justice shall strike off the five names for them, and the justice shall thereupon issue a precept to some constable of the town, directing him to summon the five persons named in such list not objected to by the parties, to meet at the time and place specified in such precept, to appraise the damages sustained by digging or locating such drain.

Powers and duties of jury.

§ 36. At the time and place appointed for the appearing of such jury, they shall be sworn by the justice justly and impartially to make such appraisal, and and shall proceed to view said land, and hear such statements and proofs of the parties as they deem it necessary, and they shall make return of their appraisal to the justice, which shall be certified by said justice and filed with the village clerk. If the amount of the appraisal of such jury shall exceed the amount awarded by the president and trustees, the costs and expenses shall be paid by said village; but if the jury shall not award more damages than were awarded by the board, the costs and the expenses shall be paid by the appellant.

Compensation of jury and justices.

§ 37. Each juror shall be entitled to six cents a mile for each mile traveled, and one dollar for his services. The justice shall be allowed such fees as are allowed by law for similar services.

Additional tax.

§ 38. If, after building a drain as contemplated in the preceeding sections, the tax raised for that purpose should prove to be insufficient to pay for said drain together with the damages that may be assessed therefor and the costs arising from the same, the president and trustees may levy a further tax on said lands in the same manner as the tax before levied, and the same proceedings thereon shall be had as in the case of the original tax.

General tax—how raised, &c.

§ 39. The trustees shall, between the first Tuesday in May and the second Monday in July in each year, determine the amount of general tax necessary to be to be assessed and collected in the village the current

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year. The assessor shall, within the time above limited, assess all property subject to taxation, in the same manner and subject to the same rule as town assessors, and shall, on or before the first Monday in July in each year, deliver to the board of trustees of said village, a full and complete roll thereof, which roll shall exhibit the description and value in separate columns, of the lands, lots, and all other property chargable with tax in the said village respectively, together with the names of the owners thereof, so far as the same can be ascertained. The assessor shall receive for his services a compensation to be fixed by the board of trustees of said village which shall not exceed the compensation allowed to town assessors for similar services.

Public notice of completion of assessment roll

§ 40. Whenever the said assessment roll shall have been delivered to the board of trustees as mentioned in the preceeding section, such board of trustees shall forthwith direct their clerk to give public notice by publishing the same in some newspaper published in said village, of the completion of such roll by the assessors, and shall specify in said notice the time when and the place where the said trustees will meet to hear appeals from the proceedings of such assessors. On any such appeal being made to said trustees, they shall have power to alter and correct such assessment, and to equalize the taxes in such assessment roll.

Assessment roll.

§ 41. When such assessment roll shall be finally completed, the trustees shall cause to be levied such amount of tax as shall have been determined to be raised, and shall set opposite to each description and valuation of taxable property, the amount of tax charged upon such property, and to each person respectively, and when such tax list shall have been so completed, they shall forthwith cause a true copy thereof to be made and a warrant annexed thereto, and deliver such tax list and warrant to the marshal of said village as hereinafter provided, and the original assessment roll and tax list shall be deposited with the treasurer of said village.

Warrant—tax list.

§ 42. The warrant annexed to any tax list delivered to marshal as aforesaid, shall be signed by the president and countersigned by the clerk of said village, or in the absence of the president, such warrant shall be signed by a majority of the trustees. Such warrant shall command the marshall to collect the taxes mentioned in such tax list, in sixty days, and pay over the

same to the treasurer of said village, and make return of said warrant to the said treasurer; the trustees may renew the warrant annexed to any tax list for thirty days when they shall deem it necessary.

Duty of marshal.

§ 43. Upon the receipt of the tax list aforesaid, it shall be the duty of the marshal to proceed to collect the taxes therein mentioned, and for that purpose shall call at least once on the person taxed, or at his residence, and shall demand payment of the taxes charged to him on such list, and in case any person shall refuse or neglect to pay the taxes imposed on him, the marshal shall levy the same by distress and sale of the goods and chattels of such person wherever the same may be found in the county of Waukesha, by giving six days notice of the time and place of such sale, by written notices set up in three public places in said village.

Ibid.

§ 44. It shall be the duty of such marshal, within the time prescribed in any such warrant for the return thereof, to pay over all sums collected by him to the treasurer of said village, and to return such warrant to the said treasurer with his return thereon written, sub. scribed by him, and specifying any such sum or sums of money not collected by him, and if any sum be rturned not collected by him,his return shall be accompanied by his affidavit that the facts therein stated are true. If there are any taxes remaining unpaid on personal property on the return day of said warrant, it may be renewed for thirty days longer for the purpose of collecting such personal property tax only; upon such renewal, the marshall may levy upon and sell any personal property within said county of Waukesha belonging to the person so taxed, in the same manner as provided in section forty-three of this act.

Unpaid taxes.—duty of treasurer.

§ 45 In case the tax on any lot or other parcel of land shall remain unpaid on the first day of November, it shall be the duty of the treasurer, within ten days thereafter, to make out a general advertisement, stating that all lots or other pieces of land upon which the taxes have not been paid, will be sold by him at a certain time and place therein mentioned, for the purpose of paying the taxes which may be assessed thereon, together with all costs and other liabilities which may accrue by advertisement and sale, agreeable to the provisions of this act. Said advertisement shall be published three weeks successively in a newspaper published in said village.

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Sale of land for unpaid taxes.

§ 46. On the day, and at the time and place mentioned in the notice, the treasurer shall commence the sale of lands and lots and continue the same from day to day until so much thereof shall be sold as will pay the taxes, interest, and charges due, assessed and charged thereon agreeably to this act, and the treasurer shall give to the purchasers of any lot or lots of land a certificate of the lots or lands purchased, stating the sum paid therefor, including fees, and the time the purchaser or purchasers will be entiled to a deed. If there are no other bidders for any of the said tracts of land for the amount of tax, the village treasurer may bid them off in his official name for the use of the village. Certificates for the sale of lands for taxes may be transfer. red by the indorsement of the purchaser on the back of the same, and when they are bid off in the name of the treasurer, he or his successor in office may indorse them.

Affidavits, &c., in relation to tax sale.

§ 47. Said treasurer shall, immediately after the close of any such sale of lots or lands for taxes, deposit in the office of the clerk of said village, all affidavits, notices, and papers in relation to such tax sale, to be filed in the office of said clerk; also a statement containing a particular description of each lot or parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and the name of the owner, if known; and the said treasurer and clerk shall record such statement in a book kept for that purpose by each of them, in their respective offices.

Redemption of lands sold for taxes.

§ 48. If the person, his agent or attorney claiming the title to the lots or parcels of land so sold and described in said certificate given by the treasurer shall not within two years from the date thereof, pay to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with the interest thereon at the rate of twenty-five per cent. per annum, from the date of such certificate, the treasurer shall, at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lots or parcels of land so sold, which conveyance shall vest in the person or persons to whom the same shall be given, and absolute estate in fee simple; and the said conveyance shall be evidence that the sale was regular according to the provisions of this act; and any such conveyance executed by the treasurer, under his hand

and the seal of said corporation in the name and on behalf of the president and trustees of said village, and the state of Wisconsin, and the executive thereof witnessed and acknowledged as by law in other cases provided; may be given in evidence and recorded in the same manner and with like effect as a deed regularly acknowledged by the grantor may be given in evidence and recorded. *Provided*, That in case of assessment of taxes in gross upon any lot or piece of land, the treasurer. upon the application of any claimant or owner of a part thereof, either divided or undivided, shall receive the taxes on such part either in payment or redemption, with the interest and charges therein proportionate to the quantity of such lot or tract so claimed or owned, and the remainder of such taxes, interest and charges shall be a lien only on the remainder of such lot or piece of land.

Proviso.

§ 49. In all cases, before lands shall be conveyed as aforesaid, the treasurer shall advertise the same by a correct description thereof, for three months, in some newspaper published in said village, stating that all such lots or parcels of land will be forfeited, if the taxes, interest and charges upon the same are not paid before the day mentioned in such notice.

Advertisement of forfeited lands.

§ 50. All lots or lands which shall be advertised for sale for non-payment of taxes, shall be subject to a charge of three cents for each lot or piece of land so advertised, and each lot or piece of land which shall be sold as aforesaid, shall be chargeable with the following fees: for each certificate to be given to a purchaser of any lot of land at such sale, twelve and one-half cents; for certifying the amount necessary to redeem any lot or piece of land, twelve and one-half cents; and one dollar for each conveyance executed in pursuance of this act; the said fees to be paid by the person receiving such instrument. The charge for advertising the forfeiture of a piece of land, shall be ten cents for each lot or parcel.

Fees for advertising, &c.

§ 51. The street commissioner of said village, shall under the direction of the president and trustees, superintend the grading, paving, and improving of streets, and the building and repairing of side-walks, and the expenditures of taxes levied and collected for such purposes, and shall receive such compensation for his services as shall be allowed by the trustees under the provisions of this act.

Street commissioner.

CHAPTER 30.

Annual statement of acc'ts.

§ 52. Within ten days next preceding every annual election, the trustees of said village shall cause to be published in some newspaper published in said village, a statement which shall show the name of every perperson who shall have had an account or claim allowed by them, the amount of such account or claim as presented, the amount allowed, and a brief statement of the nature of the demand.

Affidavit of publication.

§ 53. The affidavit of the printer or of the foreman in his office, of the publication of any notice required by the provisions of this act to be published, shall be received as proof of the publication of such notice in all courts and places

Failure of election, &c.

§ 54. If any election provided for in this act, shall for any cause not be held at the time prescribed, it shall not be considered a sufficient reason for arresting, suspending, or absolving the said corporation, but such election may be held at any time thereafter by order of the trustees of said village, of which time ten days public notice shall be given; and further, if any of the duties enjoined by this act, at a time herein specified, or specified by any ordinance of said village are not then done, the trustees of said village may appoint another time upon which the said duties may be done: *Provided*, That the officers so failing to execute such duties at the time required shall be liable to the same actions, fines and penalties as they would have been had not said power been conferred upon or exercised by the trustees.

Power to appoint and remove.

§ 55. The trustees shall have power to appoint, and at their pleasure to remove, the following officers, to wit: one chief engineer of the fire department, two fire wardens, and as many assistant wardens as they shall from time to time deem necessary, one surveyor, one sealer of weights and measures, sextons and keepers of burial grounds, and a street commissioner, and prescribe their duties and fix their compensation under the provisions of this act, and to impose and enforce in law such penalties as to the said trustees may seem proper, for any malfeasance or improper conduct of any of said officers, and to require bonds for the faithful performance of the duties of such of them as may be deemed expedient and necessary by the trustees, *Provided*, That the trustees shall have no power to pay themselves any compensation for their services.

§ 56. A majority of the trustees shall be a quorum

for transaction of business, but a less number may meet and adjourn from time to time until a quorum shall be present, and shall do no other business; and in the absence of the president, five trustees being present, one of their number may be appointed chairman *pro tem.*

Meetings of trustees.

§ 57. The oath of office of all officers of whom such oath is required, may be taken before any officer authorized to administer oaths, and shall be filed with the clerk of said village.

Oath of trustees.

§ 58. If for any cause there shall be so many vacancies in the board of trustees by resignation or otherwise, that a quorum cannot be had, a special election may be called by the clerk upon request of twenty electors of said village, in writing in the manner provided in section fifteen of this act, and said trustees may appoint the judges and clerks of such election and direct the making and canvassing the returns and declaring the result thereof.

Vacancies in office.

§ 59. Chapter 361 of the session laws of 1852, and the several acts amendatory thereof are hereby repealed: *Provided*, That such repeal shall not affect any act done or right accrued or established previous to the time when such repeal shall take effect, but, every such act and right shall remain as valid and effectual as if the said act and the several acts amendatory thereof, had remained in force, and further provided that all officers of said village now elected or appointed and acting, shall remain in their several offices until their successors are elected or appointed and qualified in pursuance to the provisions of this act.

Repealed.

§ 60. This act shall take effect and be in force from and after its passage.

Approved February 18, 1859.

CHAPTER 31.

AN ACT to lay out a State Road from Cedarburg to West Bend.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That James Vollmar, Frederick Hilgen, and Robert Salter are hereby appointed commissioners to lay out and establish a state road from the village of

Commissioners to lay out State road.

CHAPTER 32. Cedarburg, in Ozaukee county, to the village of West Bend, in Washington county.

Powers of commissioners.

§ 2. Said commissioners shall have power to enter into a contract or make an arrangement with the Milwaukee and Fond du Lac plank road company, or their legal representatives, by which they may be allowed to adopt the line of their road or any portion thereof, as such state road. The original of said contract or agreement made between the parties aforesaid to be filed in the office of the clerk of the board of supervisors of Washington county; and when so filed said road shall be deemed as laid out and established agreeably to the laws relating to the establishing of state roads, notwithstanding section 100 of chapter 19 of the revised statues may not have been fully complied with. *Provided*, That no part of the expenses of laying out and establishing said road shall be paid out of the state treasury.

Construction.

§ 3. Nothing in this act shall be so construed as to dispense with any other requisites of the law relating to the laying out and establishing of state roads.

§ 4. This act shall take effect and be in force from and after its passage.

Approved February 19, 1859.

CHAPTER 32.

AN ACT to incorporate the Superior and State Line Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

dy corporate

SECTION 1. That Michael S. Bright, Hiram Robbins, Isaac J. Moore and Hiram Hayes, of Superior, in the county of Douglas. and all such persons as shall become stockholders in the company, hereby incorporated, shall be and are hereby created and declared a body politic and corporate, by the name and style of the Superior and State Line Railroad company, and by that name shall have perpetual succession and shall have and enjoy all the powers, privileges, franchises, and immunities incident to a corporation, may acquire by purchase or otherwise, and hold, convey, sell and lease property and estates either real, personal or mixed. They may make, have and use a common seal

Powers and duties.

and alter or renew the same at pleasure, and by that name may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally may do and perform all and singular, the acts and matters which shall be necessary and conducive to the well being of said corporation.

Capital stock.

§ 2. The capital stock of said company shall be five hundred thousand dollars, divided into shares of fifty dollars each, and two dollars on each share shall be paid at the time of subscribing.

Subscription to capital stock.

§ 3. The above named corporators or a majority of them are authorized to open books for subscription to the capital stock of said company; which books shall be opened within six months from the passage of said act in the city of Superior, and in such other place or places, as may be thought advisable, by giving thirty days notice in some newspaper printed in the county of Douglas, of the times and places of opening said books, the said books to be kept open thirty days.

Election of directors.

§ 4. That so soon as said stock, or fifty thousand dollars thereof shall have been subscribed, the said corporators or a majority of them shall give like notice in the newspaper hereinbefore mentioned, of the time and place by them appointed for stockholders to meet for the purpose of electing five directors, and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until other directors are elected.

Board of directors.

§ 5. All the affairs of the said company shall be managed by a board of five directors, who shall be stockholders, and a majority of whom shall be citizens of this state, and who are hereby invested with all the powers of the said corporation; they shall be chosen annually, by ballot, by the stockholders, at the annual meeting of the company, which shall be held on such notice and at such time as shall be prescribed by the by-laws, and at such place as shall be prescribed by the board of directors, and stated in such notice. The votes shall be delivered in person or by proxy, duly authorized, and in all cases in which stockholders shall vote, each share of stock shall be entitled to one vote, and in all elections for directors those stockholders equal to the number to be elected, having the greatest number of votes shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be

Manner of conducting elections.

CHAPTER 82. prescribed by the by-laws of the company, and if from any cause an election of directors shall not be had at the time when, by the provisions of this act, or by the by-laws of said company it should be had, the same may be held at any other time on notice to be given as aforesaid, and until such election be had the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit nor lose any of its privileges, franchises or immunities by reason of the irregularity or want of such election.

Meetings of board.

§ 6. A majority of the board of directors shall constitute a quorum for the transaction of any business, they shall meet at such times and places, and be convened in such manner as they shall decide upon, they shall elect by ballot one of their number to be president, who shall when present preside at all meetings of the board and of the stockholders, and when absent, the directors may appoint a president *pro tem.* The board of directors shall appoint a secretary, treasurer, and such engineers, superintendents, agents, and other officers as they may find necessary, fix their compensation, and may demand adequate security for the discharge of their respective duties and trusts, and may fill any vacancy which may occur in their own board. The directors shall have power to re-open the books, for subscription to the capital stock of the company, or open new books under their own direction, or the direction of a majority of them, or under the direction of such person or persons as they may designate, to decide upon the amount to be paid on such subscription, the time, and manner, and proportions, in which the stockholders shall pay subsequent installments on their respective shares, and to forfeit to the use of the company, the share or shares of any person failing to pay any installments so required, to regulate tolls and charges for the transportation of freight and passengers to make such covenants, contracts, and agreements with any person or persons, co-partnership or corporation whatsoever, as the execution and management of the works and the convenience and interests of the company may require, to make any contract or agreement which they shall think proper with any other rail road company, for the leasing or purchase of the whole or any railroad constructed or to be constructed by such railroad company, to make and establish such by-laws, rules, orders, and regulations not inconsistent with the

Powers of board of directors.

constitution and laws of the United States, or of this State, as they shall think necessary for the well-ordering of the affairs of such company, and in general to superintend and direct all of the operatioos, receipts, disbursements, and all other affairs and proceedings of said company.

Certificates of stock.

§ 7. The directs shall issue a certificate, or certificates, to the stockholders for the number of shares held by them respectively in said corporation, signed by the president and secretary, and sealed with the common seal of the company, subject, however, to all the payments due and to grow due thereon, which stock shall be transferable in such manner as shall be provided by the bylaws of the company.

Annual statement of directors.

§ 8. At each annual meeting of the stockholders, for the election of directors, the directors of the preceding year shall exhibit to the stockholders a complete statement of the affairs and proceedings of the company for such year. Special meetings of the stockholders may be called by order of the board of directors, or by stockholders holding one-fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying the object of the meeting.

Location of road, &c.

§ 9. The said company shall have power to locate and construct a railroad, with one or more railways or tracks, commencing at some point on the Bay of Superior, in the county of Douglas, and running thence in a westerly direction, by the most direct and practicable route, leading towards Crow Wing, in the State of Minnesota, to the State line dividing Minnesota and Wisconsin, as shall be determined upon by the board of directors; and the said company shall have power to transport, take and carry property and persons upon said road, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, and to make, construct and put in operation all such branch railroads, turnouts, side tracks and connecting tracks, as they shall think will promote the interests of the company, and to erect and construct all such depots station houses, warehousus, carhouses and shops, tollhouses, machine shops, and all other fixtures useful for the accommodation of railroad, and of those using it; to manufacture or purchase all necessary engines, tenders, cars and other conveniences for running said road; and they shall have power to connect the said railroad, or branch railroad, in this

Power to connect with other roads.

CHAPTER 82. State, or beyond the limits of this State, and to operate the same in connection with such other railroad, or branch railroad, and to lease or purchase from any other railroad company the whole or any part of any railroad, or branch railroad, owned by such company, or to lease or sell to any other company the whole or any part of the said railroad, or any of its branches, to be built, or owned by this company; and the said company shall be and they are hereby authorized to consolidate their property and stock with companies out of this State, whenever their lines connect with the lines of such company out of this State.

Failure to complete road.

§ 10. If said corporation shall not, within one year from the passage of this act, commence the construction of said railroad, and in six years from the time aforesaid complete the same, then the rights, privileges and powers of said corporation, under this act, shall be null and void.

Survey and location of route.

§ 11. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage; and when the said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of and use such land, not exceeding one hundred feet in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter provided in such cases respectively; and it shall further be lawful for said company, by their officers, engineers and agents, to enter upon lands adjacent to the railroad, beyond the limits provided in this act, when necessary, for the purpose of erecting depot buildings, station houses and necessary fixtures for the operation and the business of said road, and for the purpose of making drains and giving a proper direction to water courses across or along said road, when the same are necessary beyond the limits of said road; and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road; and to deposit earth, gravel and stone taken from deep cuts, and to obtain earth, gravel and other materials, for embankments and structures, necessary to the construction and repairs of said road, doing,

however, no unnecessary damage, and all damage which shall be done to any lands or property, under the provisions of this section, shall be ascertained and paid for in the manner and agreeably to the provisions concentrated in this act; and it shall, further, be lawful for said company to purchase and hold in fee simple lands adjoining or adjacent to the railroad, for the purpose of procuring earth, gravel, or other material for embankment and structures, necessary to the construction and repairs of said road, and necessary buildings; and whenever such lands shall be no longer needed for the purpose aforesaid, the said company is hereby authorized to sell and convey the same.

Damages.

§ 12. When the said company connot agree with the owner or owners of any lands required for their use, as provided in the tenth section of this act, for the purchase thereof, or as to the compensation to be paid to the owner or owners of any land, for the purpose aforesaid, whether such person shall own or possses the legal or eqitable title to the same, or any lien or encumbrance on the same, or when by reason of the legal incapacity or absence of any such owner or owners, no such agreement or purchase can be made, then in any such case it shall be lawful for the judge of the circuit court of the county in which such lands are situated, on application of the said company, and at the cost and charge of said company, to appoint three disinterested persons in each county, whose duty it shall be to view and examine or survey said lands, with the buildings and improvements, if any thereon, and to estimate the value of the land so taken or required by the said company, and all damages which the owner or owners thereof, shall sustain or may have sustained by reason of the taking of the same for the construction and use of said railroad, or works appertaining thereto, taking into consideration the advantages and disadvantages of the same to the said owner or owners; and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some justice of the peace, or other person competent to administer oaths, faithfully and according to the best of their ability to examine the land so taken or required by said company, and impartially to estimate and appraise the value of the same, and the damage or injury which the owner or owners thereof shall have sustained or may sustain by reason of the taking and using thereof by the said

Compensation for land title.

Damages.

CHAPTER 82. company, over and above all benefits and advantages which such owner or owners shall derive from the construction of said railroad, whereupon such commissioners shall proceed to examine the premises and estimate the value of such land and the amount of damages, if any, over and above the benefits and advantages which may accrue to such owners as aforesaid, and shall make a report of such valuation in writing under their hands and seals to said judge, and shall return the same within thirty days after their appointment to the clerk of the circuit court of the county in which they reside, and it shall be the duty of the clerk to file the same; and in case no appeal shall be made within thirty days after the filing of said report, as hereinafter provided, then the said clerk shall record the same at the expense of said company, and judgment of the said court shall be entered thereon on motion of either party, at any term of said court.

Report of commissioners.

Proviso. *Provided*, That either party may appeal to said court within thirty days after said report shall have been filed in the clerk's office, and such appeal shall be tried in the same manner as other issues are tried in said court; and the jury empannelled to try the same, or, if a jury be waived, the court shall find the value of the land so taken or required by the said company, and the damages which the owner or owners thereof shall have sustained or may sustain by the taking of the same over and above the benefits which will accrue to such owner or owners from the construction of such railroad, and judgment of the court shall be entered accordingly. And the cost of any proceedings and judgments specified in this section shall be taxed by the court and paid by said company, except in cases where, upon appeal, the verdict of the jury or court shall be for the same or a less sum than that reported by the said commissioners; *Provided also*, That it shall not be lawful for the said commissioners or the said court to proceed in the assessment of damages, or in the valuation of any lands or materials as aforesaid, in the absence of the owner or owners thereof, his, her or their agents or attorneys, unless it shall be shown to them by competent testimony that the said owner or owners have had at least five days notice of the time and place at which such assessment or valuation was to be made, or that the said owner or owners are absent from the state of Wisconsin. And if the said owner or owners shall be minors, or *non compos*

Proviso.

mentis, or absent from the state, the service of notice may be made on their guardian or trustee, if any there be, in such manner as the court may direct; *Provided also*, That upon the making and filing of any report as aforesaid, and payment or legal tender of the amount of any valuation or appraisal specified therein to the owner or owners of any such lands, his, her or their legal representatives, the said company, their agents, or the contractors for making or repairing said railroad, may immediately take and use the same without awaiting the issue of any appeal brought thereon.

Title to land.

§ 13. When ever any judgment shall have been entered as hereinbefore provided for, the value of any lands or for any damages for taking and using the same and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her or their legal representatives, the title to said lands shall vest in said company in fee simple, and a copy of such judgment filed in the office of the register of deeds of the county in which the lands lie, shall be evidence of such title. And if such valuation be not received when tendered, it may at any time thereafter be received, or may be collected from said company by action at law, at the cost and expense of the person or persons entitled to the same.

Completion of road.

§ 14. On the completion of said railroad, or any section of the track not less than five miles, it shall and may be lawful for the company to demand and receive such sum or sums of money for passage and freight of persons and property, as they shall, from time to time, think reasonoble.

Penalty for obstructing road.

§ 15. If any person shall wilfully and knowingly injure or destroy the railroad so to be constructed by said company, or any part thereof, or any work-building or machinery attached to and in use upon the same, belonging to said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said road, such person or persons, so offending, shall each of them for every such offense, forfeit and pay a sum not exceeding three times the amount of damages caused by such offence, which may be recovered in the name of said company by action of debt in any court having competent jurisdiction in the county wherein the offense shall be committed, and shall also be subject to indictment, and upon conviction of any such offence, shall be punished by fine and imprisonment, or either, at the direction of the court.

CHAPTER 33.

Declared to be a public act.

§ 16. This act is hereby declared to be a public act, and shall be favorably construed to effect the purpose thereby intended, and copies thereof, printed by authority of the state, shall be received as evidence thereof in all cases.

§ 17. It is hereby declared to be the judgment of the Legislature that the objects of this corporation cannot be attained under general laws.

§ 18. This act shall take effect and be in force from and after its passage.

Approved February 19th, 1859.

CHAPTER 33.

AN ACT to amend chapter 226 of the Private and Local Laws of 1858, entitled "an act to incorporate the village of Kingston," approved May 8th, 1858.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Amend section 15 as follows, viz: The treasurer of said village shall be collector of taxes for all purposes, and shall have the same powers, and make his returns to the county treasurer, and be subject to the same liabilities and laws and receive the same compensation as town treasurer.

Ib.—Officers shall give bonds.

§ 2. Amend section 12 as follows, viz: The treasurer, constable, justices of the peace, marshal, and superintendent, before they enter upon the duties of their office, shall severally give bonds, with such sureties as said trustees or a majority of them, may direct. The superintendent shall be elected the same as the other elective officers of said corporation, and shall have the the same powers and duties as the superintendent of towns.

Ib.—Assessors.

§ 3. Amend section 28 as follows, viz: The assessors elected or appointed by the provisions of this act, shall in all things pertaining to their office, be governed by the same laws as assessors of towns.

Attached to corporation.

§ 4. All the north half of section twelve (12), and the southeast quarter of section eleven (11), in town fourteen (14) north of range eleven (11) east, is hereby attached to and made a part of the village corporation,

Annual meetings, &c.

§ 5. On the first Tuesday in March next, all connection between the town of Kingston and the village

of Kingston, for town purposes shall be dissolved, and the duties now and hereafter imposed upon the supervisors and other officers of towns, shall be imposed upon the officers of the village of Kingston, and hereafter the annual meetings of said corporation shall be held on the first Tuesday in April in each year.

Marshal—his duties, &c.

§ 6. The marshal elected under the provisions of this act, shall be *ex officio* constable, and shall have the same powers, perform the same duties, and receive the same compensation as constables elected in towns.

Apportionment of funds, &c

§ 7. After the first Tuesday in April next, the amount of funds remaining or debts due, as the case may be, from said town as now constituted, shall be apportioned between said town and village, according to the amount of property in each as taken from the last assessmont roll.

§ 8. This act shall take effect and be in force from and after its passage.

Approved February 23d, 1859.

CHAPTER 34.

AN ACT to annex a certain district to the city of Green Bay.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Attached to city.

SECTION 1. All that district of country embraced within the limits of the borough of Fort Howard, shall for purposes of city government be attached to and form a part of the city of Green Bay, and shall be known and designated as the west ward of the said city.

Election of aldermen, &c.

§ 2. The said west ward shall have authority to elect annually on the day appointed for holding elections for city officers, and at the place of holding the last general election, three aldermen, one of whom shall be designated as supervisor by the electors, and who shall by virtue of his office represent said ward in the county board of supervisors in the same manner as the several towns are represented, and should the said supervisor at any time, from any cause be unable to attend the meeting of the county board, the aldermen of said ward may designate one of their number to attend in his stead. There shall also be elected annually at

CHAPTER 84. the time and place aforesaid, one assessor, two constables, and one justice of the peace, to hold his office for two years, *Provided*, That the justice elected in the borough of Fort Howard, on the first Tuesday of April, 1858, shall continue in office as one of the justices of the peace for the city of Green Bay, until the first Tuesday of April, 1860, and until his successor shall be elected and qualified.

Liability of ward, &c.

§ 3. The said west ward shall not be liable to pay any portion of the debts heretofore contracted by the city or town of Green Bay, nor shall said ward be subject to the payment of any city tax, levied under authority of the common council for general purposes, unless the same shall receive the affirmative votes of a majority of the aldermen elected for said west ward, to be taken by yeas and nays, and so recorded by the city clerk. The said west ward shall be liable for all debts and liabilities heretofore contracted by the borough of Fort Howard. and the common council of the city of Green Bay, is hereby authorized to levy upon property, real and personal, of said west ward, special taxes, from time to time, for the purpose of discharging all such debts and liabilities.

Suits pending.

§ 4. All suits, complaints or other proceedings pending before any court, in which the said city of Green Bay or the said borough of Fort Howard, is, in any manner interested or a party, shall continue to be proceeded in and decided in the same manner and with like effect, as if this act had not been passed.

When act to take effect.

§ 5. This act shall take effect and be in force on and after the first Tuesday of April next: *Provided*, however, that there shall be an election held at the last place of holding the general election in said borough of Fort Howard, on the Saturday next preceding the first Tuesday of April next, at which time and place the electors present may between the hours of 9 o'clock, A. M., and 12 o'clock, M., choose *viva voce*, one of their number moderator, one inspector, and one clerk, whose duty it shall be to receive and canvass the votes given by the qualified electors of said borough, for and against the question of annexation to the city of Green Bay, and the polls of such election shall be kept open until 4 o'clock P. M., of the same day; on all votes given in favor of annexation shall be written or printed the words "For annexation," and on all votes given against annexation shall be written or printed the words,

"Against annexation," and if a majority of all the votes cast at such election shall be in favor of annexation, then the said persons appointed as herein prescribed, shall return a certificate of the canvass to the city clerk of the city of Green Bay, who shall enter the same of record; but if a majority of the votes cast at such election shall be against annexation, then and in such case a copy of such canvass, shall be returned as aforesaid, and shall be published in a newspaper printed in said city, and this act and all the provisions thereof shall have no force or effect whatever.

Approved February 23, 1859.

CHAPTER 35.

AN ACT to amend the Charter of the Mutual Life Assurance Company of the State of Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The annual report required to be made by section one of chapter one hundred and three, of the general laws of 1858, may be made by the Mutual Life Assurance Company of the State of Wisconsin, in the month of June, of each and every year. Amended.

§ 2. The words "in the city of Janesville," where they occur in the sixth and fifteenth sections of the act incorporating said company are hereby stricken out. Stricken out.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1859

CHAPTER 36.

AN ACT to authorize the Laborer's Bank of this State to reduce its capital.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Laborer's Bank of this state is hereby permitted to reduce its capital stock to a sum not less than fifty thousand dollars, upon filing with the Bank Comptroller, a certificate from the Secretary of State, that said bank has complied with the requirements of Authority to reduce capital stock.

CHAPTER 37. subdivision thirteen, (13) of an act to amend chapter 479 of the general laws of Wisconsin, for the year 1852, entitled "an act to authorize the business of banking in the State of Wisconsin," approved May 15, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced. *Provided*, The amount to which such capital stock is reduced shall not be less than the amount of notes in circulation issued by said bank and unredeemed at the time of the filing of said certificate and that said bank shall pay to the State Treasurer all taxes due on the full amount of its capital up to and including the day on which said certificate is filed with the Bank Comptroller.

Proviso.

Duty of president and cashier.

§ 2. The president and cashier of the Laborer's Bank shall immediately after the passage of this act, file in the office of the Register of Deeds in the county where said bank is located and where its notes are redeemed, a certificate under oath, stating the sum to which the capital stock is reduced.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1859.

CHAPTER 37.

AN ACT to amend an act entitled "an act to incorporate the Capital Fire and Marine Insurance Company of Madison, Wisconsin, approved March 9th, 1858.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. The second section of said act is hereby amended as follows: Strike out the words "five dollars," and instead thereof, insert "one dollar," so that it shall read one dollar upon each and every share of stock subscribed, &c.; and also strike out of the same section the word "five," and instead thereof insert "one," so that it shall read one per cent. thereon, &c.

§ 2. This act shall take effect immediately on its passage.

Approved February 4th, 1859.

CHAPTER 38.

AN ACT to provide for the extension of the time of collecting taxes in the county of Trempeleau.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time by law for collecting taxes and return thereof by the treasurer of Trempeleau county, is hereby extended until the first Monday of July next. *Provided*, nothing in this act shall be so construed as to make any change in the time of collecting the state tax in said county. Time for collection of taxes extended.

§ 2. This act shall be in force and take effect from and after its passage.

Approved February 24th, 1859.

CHAPTER 39.

AN ACT to amend section three of chapter 166 of the private and local laws of 1853, entitled an act to incorporate the Northwestern Insurance Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of an act to incorporate the Northwestern Insurance Company, approved April 1st, 1853, and amended by an act entitled "an act to change the name of the Northwestern Insurance Company, approved February 12th, 1857, is hereby amended so as to read as follows: The stock, property and affairs of said corporation shall be managed and conducted by a board of not less than five nor more than fifteen directors, to be elected annually by the stockholders and such officers clerks, and agents as such directors may from time to time appoint. Amendment.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 24th, 1859.

CHAPTER 40.

AN ACT to authorize the city of Milwaukee to assess water rents.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to assess water rates.

SECTION 1. That from and after the passage of this act the city of Milwaukee shall have power to adopt a schedule or schedules of rates by which all water rents shall be assessed to the owner or owners of improved property in said city, contiguous to any street or alley through or along which the line or lines of water pipes shall have been laid, for the supply of water to the inhabitants of said city, and such water rents so assessed shall be a lien upon said premises, and collected in the same manner as city taxes are now by law, a lien, and collectable; *Provided, however*, That no such water rates shall be assessed upon any property of any citizen until the water is let into such pipe or pipes ready for distribution.

Power to contract.

§ 2. That the city of Milwaukee is hereby empowered to contract with any incorporated company obligating said city to assess such water rates as may be adopted by said city, and enforce the lien therefor and collection thereof, in manner aforesaid, for the benefit of any such company that shall undertake to, and shall construct water works for the supply of water to the inhabitants of said city.

Common Council.

§ 3. That the common council of the city of Milwaukee shall have full power to make, pass and execute any ordinance that may be necessary to carry into effect the true intent and meaning of this act.

§ 4. This act shall take effect and be in force from and after its passage.

Approved February 24, 1859.

CHAPTER 41.

AN ACT to consolidate the several School Districts in the city of Fond du Lac.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of a more efficient organization of the public schools in the city of Fond du Lac, the several school districts therein, including, also, that portion of the town of Fond du Lac which is embraced within the limits of the present school districts as heretofore organized, are hereby united and consolidated, and from and after the election and qualification of a new district board, as provided in this act, shall constitute one district. **School districts consolidated.**

§ 2. On the first Monday of June next, after the passage of this act, there shall be a meeting held in each of the wards of said city, at such place as shall be designated by the city clerk, for the purpose of electing two school commissioners, who shall be residents of the wards for which they are elected, one of which shall be elected for the term of one year, and one for the term of two years; and annually thereafter there shall in like manner be elected in each of the several wards one school commissioner to supply the places of those whose term of office is about to expire whose regular term of office shall be two years, and until their successors are elected and qualified. **Election of School Commissioners.**

§ 3. For the purpose of holding the first election under the provisions of this act, it shall be the duty of the city clerk, at least ten days before the time fixed for holding said election to give notice of the time and place of holding the same in each of the wards, stating the objects thereof, by publishing said notice in each of the newspapers printed in said city; and annually thereafter such notices shall be given by the district clerk, under the direction of the district board. **Ib.—duty of City Clerk.**

§ 4. At the meetings held in the several wards for the election of school commissioners as aforesaid, it shall be lawful for the qualified electors then present to choose a chairman and secretary, and to conduct the election in such manner as the electors present shall determine, except that in all cases the vote for electing officers shall be by ballot, and it shall be the duty of the chairman and secretary to make a return of the re- **Manner of conducting elections.**

CHAPTER 41. sult of the election to the city superintendent of common schools; they shall also, within twenty-four hours thereafter, notify all persons so elected, of their election, unless they shall have been present at such meeting.

Qualifications. § 5. At the meetings held in the several wards, for the election of school commissioners, it shall be lawful for any person who is otherwise legally entitled to vote at school district meetings, and who may reside in any portion of said school district lying outside of the ward or city limits, to vote in the ward which lies nearest or adjacent to his place of residence, the same as if he resided in the ward where he offered his vote.

Oath of office, &c. § 6. All officers elected or appointed, by virtue of this act, shall, within ten days after his election or appointment, take the oath of office prescribed by the constitution of this state and file a copy with the district clerk, or until after an organization of the board and the appointment of a clerk, the said copy of their official oath may be delivered to the city superintendent; and if any person shall neglect or refuse to comply with this provision within the time prescribed, his office may be considered as vacant, and the board shall have power to fill the vacancy; they shall also have power to fill any vacancy that may exist in their board, excepting it is that of city superintendent, and any officer so appointed shall hold his office for the unexpired term of the person whose place he was appointed to supply.

Powers and duties of Commissioners. § 7. The school commissioners so elected, together with the city superintendent of common schools, shall be a body corporate, with perpetual succession, known by the name and style of the board of education of the city of Fond du Lac, and by their corporate name shall be capable in law of contracting and being contracted with, of sueing and being sued, of pleading and being impleaded; of answering and being answered unto, in all courts and places, for any and all the purposes in this act; they may have a common seal and change the same at pleasure.

Annual meeting. § 8. On the fourth Monday of July, in each year, there shall be an annual meeting of the district held, at such time and place as the school board shall appoint, notice of which shall be given by publishing the same in each of the newspapers printed in said city at least one week before the time appointed for holding such meeting, which notice shall specify all the particular objects for which it is to be held, and it shall be

lawful for the voters of said district then and there assembled to determine by their votes what amount of taxes shall be levied in said district for school purposes, excepting the provisions of section seventeen, for the ensuing year, and in the same manner determine all question relative to the affairs of said district which may have been specified in said notice.

General powers.

§ 9. The said board shall possess the following general powers, to wit:

Organization of schools, &c.

1st. To organize and establish such and so many schools in said district, (including all the common schools now existing therein), as they shall deem expedient and necessary, and may alter and discontinue the same.

School houses.

2d. To rent and furnish such school houses or rooms as the necessities of the district may require, and to alter, improve and repair school houses and their appendages, and to insure school property.

School apparatus.

3d. To purchase, exchange, improve and repair school apparatus, and to procure books for indigent pupils, if they deem proper.

Contingent expenses, &c.

4th. To provide fuel for the schools and to defray all the contingent expenses thereof; to contract with and employ all teachers that may be required for the schools of the districts.

District library

5th. To have the care and supervision of the district library, and to disburse any money belonging thereto, for the purchase of books; they may also remove from said library all books of an improper character, and it shall also be their duty to provide suitable library rooms and cases for the care and preservation of the books belonging thereto.

Compensation, &c.

6th. To defray the necessary contingent expenses of their board including compensation to the clerk and librarian.

Classification.

7th. To grade and classify all the schools belonging to the district, and to transfer pupils from one department to another, and to admit pupils to any of the schools of said district who are not residents therein, upon such terms and conditions as to them shall seem just and proper.

Rules and regulations.

8th. To make and establish such rules and regulations as may be needful for the government of their own board, and for the schools under their charge.

Improvements, &c.

9th. To lease or purchase, or sell and convey lots and sites for school houses; to fence, drain, grade, or

CHAPTER 41. otherwise improve such lots or sites; to lease, purchase or build school houses, out houses and appurtenances; to levy and cause to be collected all taxes that shall have been voted to be raised for school purposes, at the annual district meeting or any adjournment thereof; and to execute and perform any other object relative to the affairs of said district, which they shall have been authorized to do by any such annual meeting.

Clerk—his duties.

§ 10. The said board is hereby authorized to appoint a district clerk and a librarian; it shall be the duty of the clerk, under the directions of the board, to keep a record of the proceedings of the board, in a book to be provided for that purpose; he shall also enter therein, or in a book especially provided for the purpose, copies of all official reports made by the board, or by the superintendent, to the clerk of the board of supervisors of Fond du Lac county, in accordance with the laws of this State, or the requirements of the State Superintendent; he shall also be clerk of all district meetings, if practicable to attend the same; It shall also be his duty, under the direction of the board, to take the annual enumeration of the scholars residing in the district at the time prescribed by law; he shall keep and preserve all records, books and papers or other property belonging to his office, and to deliver the same to his successor in office; he shall receive for his services, such compensation as the board may allow, not exceeding fifty dollars per annum. The librarian shall in all respects be subject to the directions and rules of the board, who may allow such compensation for services rendered as to them seem just and proper.

Removals, &c.

§ 11. Any school commissioner in said district may be removed from his office for official misconduct or neglect of duty by a vote of two-thirds of the whole number of the members of said board, and they shall have power to fill, by appointment, any vacancy so made; and the city superintendent of common school, may for the same reasons and in the same manner, be removed by the city council and another appointed by them in his stead; but in all cases the officers shall be granted a fair and full hearing before removal.

Executive officer.

§ 12. The city superintendent shall, by virtue of his office, be the executive officer of the board, and president thereof, but in his absence a president *pro tempore* may be appointed, who for the time being, shall possess all the authority of the president. The super-

intendent shall have no vote in the business transactions of the board, except a casting vote in case there shall be a tie vote of the board.

§ 13. In all the business transaction of the board, except as is otherwise expressly provided for in this act, a majority of all the members thereof shall constitute a quorum, and a majority vote of all the members present and voting shall be decisive. The said board shall have the power to appoint a clerk *pro tempore* in case of absence of the clerk or his inability to attend their business meetings.

Title of school property.

§ 14. From and after the consolidation of the several school districts in this city, and the organization of the new district as contemplated and provided in this act, the title of all school property, real, personal or mixed, now belonging to said several districts, as well as that to be acquired hereafter by the consolidated district, shall be vested in the said board of education, and while kept for school purposes only, shall not be subject to taxation, nor to be levied upon and sold by virtue of any warrant, execution, judgment or decree, except it be for the debts contracted on account of and for the said district. And the said board in its corporate capacity, shall be authorized to receive and hold or dispose of any real or personal estate transferred to it by any corporation, company or person, by grant, gift, devise or bequest whatever for the use and benefit of the schools of said district, or any of them, and appropriate the same for the specific purposes designated.

Compensation of commissioners.

§ 15. The said school commissioners shall not receive any compensation for their services as such, but they may appoint one of their own number, or any other person, to superintend the building of any school house or houses, or to perform any other service which cannot well be done by the board, and pay for such service such compensation as to them shall seem just and proper.

All work, &c., to be let by contract.

§ 16. All work or labor to be done for said school district, (except teaching), and all materials to be procured for the use of the same, that is of such a nature as to admit of it, shall be done and procured by contract, and let to the lowest and best bidder, for which the board shall advertise and receive proposals in a public manner, and no member of said board shall, either directly or indirectly, have any pecuniary interest in any such contract.

CHAPTER 41.

Tax.

§ 17. The said board are hereby authorized and required to assess a tax on district number two, that shall be sufficient, in their opinion, to make the school house accommodations of said district number two, equal to the present school house accommodations of district number one, in proportion to the number of scholars in each respectively, according to the last enumeration of scholars, to be apportioned and expended under the direction of said board. And for the purpose of making this adjustment between the said districts *one* and *two*, it shall not be necessary for the board to obtain any vote of the districts therefor.

Duty of City and Town Clerks.

§ 18. Whenever the amount of taxes to be raised any year for the support of schools, or for the building of school houses, or for any other purpose authorized by this act shall have been apportiond and determined, it shall be the duty of the district clerk, under the direction of the board, to certify to the city clerk the amount which they have apportioned to that part of the said district which lies within the city limits, and also to the clerk of the town of Fond du Lac, what amount they have apportioned to that part of the district which lies in the town of Fond du Lac. Whereupon it shall be the duty of said city and town clerks, when making out their annual taxes respectively, to include therein the amount of school tax thus certified to them, which, when collected, shall be paid over to the treasurer of the city of Fond du Lac, and by him accredited to the said board of education.

Treasurer of school district.

§ 19. The treasurer of the city of Fond du Lac shall be the treasurer of said school district, and it shall be the duty of the city council, in fixing the amount of said treasurer's bond, to take into consideration the amount that will probably come into his hands as treasurer of said school district. All moneys to be raised by virtue of this act, and all which said school district may be entitled to receive by virtue of any law of this state, shall be paid to said city treasurer, who, together with the sureties of his official bond, shall be accountable therefor, in the same manner, to said board of education as to the city council for the funds of the city. He shall also be liable to the same penalties for any official misconduct in relation to the moneys and effects of said district, as for any similar misconduct in relation to the moneys and effects of said city, and all funds received by him belonging to said district, shall be placed to the

credit of said board of education, and shall be paid out only upon their orders, regularly drawn, signed by their president and attested by the clerk.

Duty of Treasurer.

§ 20. The said treasurer shall keep an accurate account of all moneys and effects coming into his hands as treasurer of said school district in a book to be provided for that purpose, which shall remain the property of the district, wherein he shall note the time when, and the person from whom, or the source from whence the several sums were received, and also to whom paid out, which book shall at all reasonable hours be open for the inspection of all persons having business therewith; and at the expiration of his term of office, he shall deliver over to his successor, all moneys, books, papers and property in his possessien belonging to said school district.

Reports of Treasurer.

§ 21. The said treasurer shall at all times when required by a resolution of said board, report to them in writing, the financial condition of said district so far as the records of his office show the same; and annually, at least, twelve days before the ward meetings for the election of school commissioners as provided in the second section of this act, he shall make in writing a full report specifying under appropriate heads, all funds received and disbursed by him, since the last annual report for, or on account of said school district, and he shall make a schedule in tabular form, of all the orders paid by him and in his hands uncancelled, describing each one by its number, its date, its amount, to whom issued, and to whom paid, said schedule shall form part of his said annual report.

School orders.

§ 22. Upon receiving the annual report of the treasurer as mentioned in the last preceding section, it shall be the duty of said board, or a committee thereof to examine the orders so reported by the treasurer, and compare them with the schedule so made and reported by him, and also with the marginal stubs of the order book from which they were originally taken, and if said orders are found to agree with said schedule, and the order book they are to be marked as cancelled on the said marginal stubs, and immediately destroyed, and a record of that fact endorsed by them upon said report, and for the amount of said orders destroyed they shall give said treasurer a receipt.

Annual statement.

§ 23. It shall be the duty of said board after the annual settlement with the treasurer as provided in the

CHAPTER 41. last preceding section, to prepare and publish in each of the newspapers printed in said city at least three days before the time fixed for holding the ward meetings for the election of school commissioners, a statement showing under appropriate heads the several amounts of expenditure, on account of said district for the current year, and also an estimate specifying the several amounts necessary to be raised by tax for the support of the schools of said district, for the purchase of sites, the building of school houses, or for any other purpose for which money or taxes should be raised for the ensuing year, which estimate or statement they shall also cause to be read at the annual district meeting as provided in section eight of this act.

Accounts, &c. § 24. All accounts or demands against said school district, except salaries of teachers or amounts previously fixed by contract or determined by law, shall be verified by affidavit, before being allowed or acted upon by the board, and any person who shall falsely swear to any such account or demand shall be deemed to be guilty of perjury; and all votes by the board for the appropriation of money, or which shall involve the expenditure of money shall be taken by the ayes and nayes and entered upon the journal, and in all cases of appropriation it shall require the affirmative vote of a full board, and it shall be the duty of the board in all their expenditures to have reference to the amount subject to their order, during the current year, and not to exceed that amount.

Teachers' Institute. § 25. It shall be the duty of the city superintendent, to organize and establish in the city of Fond du Lac a "*Teachers Institute*," under such rules and regulations as the members thereof may adopt, subject however to the approval of the board, and he shall hold sessions thereof at least one day in each month, at which all the teachers employed in the schools of said district shall be required to attend, for the mutual improvement of such teachers in their profession, as well as the benefit resulting therefrom to the schools under their charge; and in order to extend the usefulness of said Teachers' Institute, as much as practicable, teachers in the private schools of said city, as well as those employed in the districts adjacent thereto, and such scholars as are preparing to become teachers may be allowed to become members thereof; and it shall be the duty of the board in making contracts with their teachers to require of

them punctual attendance on the meetings of said institute, as one of the conditions of their contract.

City Superintendent.

§ 26. The city superintendent shall at such times as town superintendents are now or may be hereafter required by law to make their reports each year, make and transmit to the clerk of the board of supervisors of Fond du Lac county, a report of all such matters and things as may be required of town superintendents.—He shall examine in the presence of the board all teachers making application therefor that the board may wish to employ, and grant certificates of approbation to such teachers or persons so examined as he and the board shall deem qualified to teach. He shall visit each of the schools in said district at least twice during each term and report their condition to the board with such suggestions for their improvements, as he shall deem proper.

Commencem'nt of school year.

§ 27. From and after the year 1859, the third Monday in July shall be deemed to be the commencement of the school year in said districts, and all future contracts with teachers shall be so made as to have terminated at that time, and it is hereby expressly provided that as soon as the new board shall have been elected, qualified and organized as provided in this act, and notice of that fact personally served upon the officers now constituting the several districts which are hereby united and consolidated, their respective offices shall cease and terminate, and all their school contracts, then in force shall be executed on their part, by the new board.

Building of school houses, &c.

§ 28. For the purpose of building any school house or houses, or for the purchase of a site or sites therefor, the said board on first obtaining a vote of the district at the annual meeting on the fourth Monday of July, as provided in section eight of this act, shall have authority to borrow a sum of money not exceeding ten thousand dollars, at a rate of interest not exceeding eight per cent. per annum, for a period of time not exceeding ten years, and to secure the payment of which, they may execute in their corporate capacity such notes, bonds, mortgages, trust deeds, or other evidences of indebtedness based upon the school property of the district, as well as that which the district may possess at the time the indebtedness is incurred, as that which will be acquired with the money thus borrowed, as shall to them seem most beneficial to the district, and if any

CHAPTER 42. such indebtednass shall be authorized by any such district meeting and consummated by the board, then in that case it shall be the duty of said board to levy annually a tax on the taxable property of the district to pay the interest on such loan, and also to levy a tax or taxes on the property of said district to pay the principal as it shall become due by the terms and conditions of their contracts.

Repealed. § 29. All acts and parts of acts contravening the provisions of this act is hereby repealed.

§ 30. This act shall take effect and be in force from and after its passage and approval.

Approved February 24, 1859.

CHAPTER 42.

AN ACT to amend an act entitled "An act to incorporate the First Congregational Society of the town of Milwaukee." Approved February 22, 1845.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. That the act to incorporate the first Congregational society in the town of Milwaukee, approved February 22d, 1845, be and the same hereby is so amended as to permit and authorize said first congregational society to acquire, hold, possess, enjoy, sell and convery property, both real and personal, *Provided*, That the annual income thereof shall not exceed six thousand dollars.

§ 2. This act shall be in force from and after its passage.

Approved February 26, 1859.

CHAPTER 43.

AN ACT to alter and establish the State road from Chilton to Menasha, and to provide for improving the same.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Asaph Green, James Robinson, C. P. Clinton, Henry Hewit and John H. Fuss, be and they are hereby appointed commissioners to alter, establish and improve the State road from Chilton to Menasha, and for that purpose they, or a majority of them may meet at such time and place as they may appoint, notice thereof being given by publication in the "Chilton Times," and "Menasha Conservator," ten days previous thereto, and proceed to view and determine the same. Commissioners to improve State road.

§ 2. For the purpose of improving said road the Supervisors of the county of Calumet and of each town, being instructed thereto by the people of said town, and the trustees of each village on the line of said road are hereby authorized to appropriate such sum or sums of money as they from time to time may deem advisable for the improvement of said road which said money shall be paid over to said commissioners in payment for work done, or to be done on said road, in such time and manner as may be provided by contract between said commissioners or a majority of them, and said supervisors or trustees. Expense of improvement.

§ 3. For the purpose of more fully carrying out the authority hereinbefore granted said commissioners and supervisors, or trustees, as the case may be, are hereby authorized to enter into any contract or contracts on such terms as they may deem for the best interests of said road. Contracts.

Approved February 26, 1859.

CHAPTER 44.

AN ACT to amend an act to incorporate the Milwaukee Gas Light Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section two of the act of which this is amendatory is hereby amended and modified by adding at the end thereof these words, to wit: "*Provided, always*, That at any time the board of directors for the time being may, and they are hereby authorized, by resolution, which shall be spread upon the records of the company, to add to the number of the directors of said company any number, so that the whole number of directors shall not in any case exceed nine." From and after the adoption and recording of such resolutioin all the provisions of the act of which this is amendatory thereof, relating to the board of directors provided for in said original act, shall relate and apply to the board so increased by resolution under this act.

§ 2. This act shall take effect from and after its passage.

Approved February 25th, 1859.

CHAPTER 45.

AN ACT to extend the time for the collection of taxes in the city of Portage,

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time for payment of taxes extended.

SECTION 1. The time for the collection of taxes in the city of Portage, levied for the year 1858, is hereby extended to the first Monday in April next, and return thereof shall be made to the county treasurer on or before the time specified in this section. *Provided*, that this act shall not in any manner extend the time for the payment of the state tax levied in said city to the county treasurer.

Powers and duties of Treasurer.

§ 2. The city treasurer of the city of Portage shall have the same power to collect all taxes in arrears in said city, by levy and distress or otherwise, as provi-

ded by law, within the time specified in the first section of this act, at which time he is hereby required to make return of his warrant and doings in the premises, as is now required by law.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 26th, 1859.

CHAPTER 46.

AN ACT to change the time for the election of City and Ward Officers in Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The election of city and ward officers for the city of Milwaukee, which is now by law required to be held on the first Tuesday of March, is hereby postponed until the first Tuesday of April, and all the elective officers of said city now in office, shall hold their respective offices until their successors shall be elected and qualified, as required by the laws regulating said city. Election postponed.

§ 2. This act shall take effect from and after its passage.

Approved February 26th, 1859.

CHAPTER 47.

AN ACT to amend an act to incorporate the Mutual Fire Insurance Company of the City of Janesville.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first annual election for directors of this company shall be held on the first Monday of April next, at the office of the company in the city of Janesville, and all succeeding elections shall be annually held at the same place and on the same day. Election of Directors.

§ 2. The Mutual Fire Insurance Company of the city of Janesville is hereby authorized to make its an- Annual report.

nual report on the same day of its annual election, instead of the first day of February in each and every year as now required by chapter 103 of the general laws of 1858.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 26th, 1859.

CHAPTER 48.

AN ACT to legalize the acts of John B. Vanpelt as Treasurer of School District No. 9, of the towns of Baraboo, Fairfield and Greenfield, in Sauk county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Acts declared legal.

SECTION 1. The acts of John B. Vanpelt, as treasurer of school district number nine, of the towns of Baraboo, Fairfield and Greenfield, in the county of Sauk, be, and they are hereby declared legal.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1859.

CHAPTER 49.

AN ACT to incorporate the Newport Bridge Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Body corporate

SECTION 1. That Stewart Blood, Abraham Vanderpool, Jacob S. Van Vechten, William Tweeddale and such other persons as may become associated with them for the purpose of building a bridge as provided by this act, are hereby created a body corporate by the name of the Newport Bridge Company, and by that name may sue and be sued, plead and be impleaded in all courts and places, contract and be contracted with, may have a common seal and alter the same at pleasure; and shall have power to purchase, hold, and transfer real and personal estate to the value of fifteen thousand dollars; and shall have all other powers and franchises

necessary for carrying into effect the provisions of this act.

Powers of company.

§ 2. The said company shall have full power and authority to construct and maintain a bridge across the Wisconsin river on section fifteen, in township thirteen, north of range six east of the fourth principal meridian. *Provided*, said bridge shall not be located farther up said river than lot four (4) in block fourteen (14) of the village of Newport, county of Columbia, Wisconsin.

Ferries.

§ 3. After the completion of said bridge, and during its maintenance as a toll bridge, no person or persons shall be allowed to run a ferry and collect toll for the same within one mile of the said bridge under a penalty of ten dollars for each and every offence.

Right of way, &c.

§ 4. The said company shall have power to secure the right of a public highway of sixty-six feet in width on the east side of the river from said bridge to the depot situated on the south-east corner of section ten in township thirteen north, range six east, of the fourth principal meridan; and on the west side of said river from the bridge to Main street. *Provided*, in case said company are unable to agree with the owner or owners of said land for public highway as to the value of the same, the value is to be assessed by three disinterested persons, one to be chosen by each party, and the third by the two thus chosen.

Construction of bridge.

§ 5. The said bridge shall be constructed with one pier in the middle of the river, giving two spans of one hundred and eighty feet each in the clear for the passage of boats and rafts, and to be located not less than twenty-seven feet above the ordinary stage of water.

Tolls, &c.

§ 6. The company shall have power for the term of thirty years after the completion of said bridge to demand and collect toll for crossing the same as follows: for any vehicle drawn by one horse, mule, ox, or other animal, a sum not exceeding twenty cents; and for each additional horse, mule, ox, or other animal, a sum not exceeding ten cents; for foot passengers a sum not exceeding three cents each; for a single horse or mule and rider, a sum not exceeding fifteen cents; for horses in droves of less than twenty-five head; a sum not exceeding ten cents per head; and for all over twenty-five head a sum not exceeding five cents each; for mules or cattle in droves, a sum not exceeding five cents each; for hogs and sheep a sum not exceeding one cent. per head.

CHAPTER 50.

By-laws, &c.

§ 7. Said company shall have power to make all by-laws for the regulation of its affairs not inconsistent with the laws of the state or of the United States, and shall keep posted up on some conspicuous place on their bridge a list of the rates of toll allowed by this act.

§ 8. It is hereby declared that in the judgment of the legislature of this state the objects of the corporators named in this act, (the place designated for the bridge being in two counties, separated by the Wisconsin river) cannot be attained under or by general laws.

§ 9. This act shall take effect from and after its passage, and all acts and parts of acts contravening the provisions of this act are hereby repealed.

Approved February 26, 1859.

CHAPTER 50.

AN ACT to authorize the Mercantile Bank, Beaver Dam to remove to the village of Lodi, Columbia County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Removal.

SECTION 1. The Mercantile Bank, Beaver Dam is hereby authorized to remove its place of business from the city of Beaver Dam in the county of Dodge, to the village of Lodi in the county of Columbia, upon filing with the Bank Comptroller a certificate from the Secretary of State that said Bank has complied with the requirements of subdivision thirteen (13) of an act to amend chapter 479 of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the State of Wisconsin," approved May 15, 1858, and setting forth in said certificate the place to where said Bank is to be removed. *Provided* the holder or holders of any outstanding circulating notes of said Bank, upon which are printed "Mercantile Bank Beaver Dam," may have such notes presented and the payment thereof demanded, and may cause such note or notes to be protested for non-payment at the village of Lodi in the same manner and with like effect, as if the same had been so presented, demanded and protested at the place where such note or notes are made payable.

Proviso.

§ 2. Before this act shall take effect, the said Bank shall cause a certified copy of its original certificate of incorporation, certified by the Register of Deeds of Dodge county, to be recorded in the office of the Register of Deeds of the county of Columbia, and file a copy of the same certified by the Register of Deeds of Columbia county in the office of the Bank Comptroller and in the office of the State Treasurer. CHAPTER 51. Certificate of incorporation.

§ 3. It shall not be lawful for the Bank Comptroller to issue to the said Bank any circulating notes until its plate shall have been so altered that its notes shall read "the Mecantile Bank, Lodi, instead of "the Mercantile Bank, Beaver Dam," and the said Bank shall be required to return to the Bank Comptroller, all circulating notes issued to the Mercantile Bank, Beaver Dam, whenever the same shall have been redeemed by the Bank, and may receive therefor new circulating notes as now provided by law. Bank Comptroller.

§ 4. This act shall take effect from and after its passage.

Approved February 26, 1859.

CHAPTER 51.

AN ACT to authorize James F. Moore and his associates to construct a bridge across Chippewa River in Eau Claire county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. James F. Moore, Ira Mead, Augustus Huyssen, Selim H. Peabody, Joseph Lawler, William H. Gleason and Adin Randall, are hereby authorized to construct and maintain a bridge across Chippewa River in the county of Eau Claire, on lot one or two in section seventeen in town twenty seven, range nine and or section eighteen in said town and range. Authority to construct a bridge.

§ 2. Said bridge shall not be less than sixteen feet wide, and shall be so constructed as to give free and uninterrupted passage at all times to any raft coming down said River, and to all keel boats, flat boats or steam team boats running up or down said river, without any hindrance, let or delay, and the said James F. Moore, Ira Mead, Augustus Huyssen, Selem H. Peabody, Joseph Lawler, William H. Gleason and Adin Randall and assigns shall be liable in an action on the case, for Construction.

CHAPTER 52. any injury, detention or delay by reason of or on account of said bridge, to be recovered in a court of competent jurisdiction.

Tolls, &c. § 3. The said James F. Moore, Ira Mead, Augustus Huyssen, Selem H. Peabody, Joseph Lawler, William H. Gleason and Adin Randall, and their assigns shall have power, immediately after the completion of said bridge, to demand and collect tolls for passing over said bridge as follows: for any vehicle drawn by two horses, mules or oxen, twenty-five cents; and for each additional mule, horse or ox, five cents; for any vehicle drawn by one horse fifteen cents; for a single horse ten cents; for horses and cattle in droves, two cents each; and for foot passengers, five cents each.

§ 4. Said James F. Moore, his associates and assigns, shall keep posted up in a conspicuous place on said bridge, the rates of toll allowed by this act.

§ 5. It is the judgment of this Legislature that the object of this (bill) [act] cannot be attained by a general law.

§ 6. This act shall take effect and be in force from and after its passage.

Approved February 26, 1859.

CHAPTER 52.

AN ACT to incorporate the Brodhead Hydraulic Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners SECTION 1. That E. D. Clinton, John Hendric, Martin Mitchell, J. F. Mack, J. L. McNair, L. Kingman, M. Halsted, H. W. Button, H. T. Moore and Jacob Ten Eyck, be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the "Brodhead Hydraulic Company," hereby incorporated, and they may cause books to be opened at such time and place as a majority shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving ten days notice of the time and place of taking such subscriptions, by publishing the same in one or more of the papers printed in the county of Green.

§ 2. The Capital stock of said company shall be fifty thousand dollars, in sharef of fifty dollars each; and as soon as one hundred shares of the stock shall be subscribed, and five per cent. paid thereon, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby declared and created a body corporate and politic, by the name and style of the "Brodheod Hydraulic Company," with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended in all courts and places, they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, personal, real, or mixed, so far as the same may be necessary and proper for the construction, extension, management and usefulness of the works of said company, and for the good government of the same: they may have a common seal, which they may alter and renew at pleasure, and generally, may do all and singular the matter and things which to them it may lawfully appertain to do, for the well being of the said corporation. Capital stock.

§ 3. The affairs of said company shall be managed by a board of five directors, who shall be chosen by ballot, each share of stock actually paid in, or one per cent. on the same being paid, being entitled to one vote, the votes to be given in person, or by proxy duly authorized: which directors shall appoint one of their number President: and for the purpose of electing the first Directors, the said commissioners, or a majority of them after the stock shall have been subscribed as provided in the second section of this act, shall give ten days notice in the manner hereinbefore mentioned, of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing directors; and annually thereafter, on the first Monday of January, the stockholders shall meet for electing directors as aforesaid: *Provided*, That none but stockholders shall be elected directors. Directors.

§ 4. A majority of said board of directors shall constitute a quorum for the transaction of business. They shall have power to make and establish by-laws, rules, orders and regulations for the management of the affairs of said company; to make such covenants Ib.—powers and duties.

CHAPTER 68. contracts and agreements, with any person or persons, copartnership or body politic, whatever, as the execution and management of the works or the convenience and interest of the company require.

Stock. § 5. The stock of said corporation shall be deemed personal property, and shall be transferable on the books of said corporation, in such manner as may be prescribed by the by-laws of said corporation and shall be assignable at the pleasure of the holder.

Powers of corporations. § 6. The said corporation are hereby authorized to erect, dig or construct any race, canal or water course through any lands owned by them, or which they may hereafter acquire in sections fourteen, (14) fifteen, (15) twenty-three, (23) twenty-four, (24) and twenty-five (25) in township No. two (2) north of range No. nine, (9) east, in the county of Green for the purpose of leading the water of Sugar River into the village of Brodhead, to be used for hydraulic purposes, and to erect or operate on any such lands, such Mills and machinery and hydraulic buildings as may be necessary for the employment of such water, and they shall have power to lase, sell and convey any portion of such water, eiher separately or in connection with such real estate owned by said company, as they may deem advisable and necessary for the interest of said corporation.

Right of way. § 7. Whenever the said hydraulic company shall desire to obtain any lands, or the right of way across the same, for said canal or race, or for purpose of flowing, or for other hydraulic purposes consistent with this charter, and shall be unable to agree with the owner or owners of the same, upon the compensation to be paid therefor; in such case it shall be lawful for the said hydraulic company to select one arbitrator, the said owner or owners of said land shall have the right also to select one arbirator, and the two arbitrators selected as aforesaid, shall select a third person to act as arbitrator. It shall be the duty of the three arbitrators selected as aforesaid, to examine the land or lands proproposed to be taken or used by said company, and appraise the damage thereto, and determine the amount of compensation which shall be paid by said company to the claimant. Their award shall be in writing and a copy thereof shall be delivered to said company and to said claimant, and shall be final and conclusive, and the amount theseof being paid or tendered to said

claimant, said company shall have the right to enter upon and use and possess the same, so long as said land shall be used for purposes consistent with this charter. Said arbitrators shall give to the said company and to the claimant, five days notice of the time and place of meeting to examine said lands and asssess damages.

Officers, &c.

§ 8. The Directors of said company may choose such offices as the by-laws of the corporation shall prescribe. They may also call in the subscriptions of the capital stock of the comppny by installments in such proportion and at such times and places as they shall think proper, by giving such notice as the by-laws shall prescribe; may provide by order to be entered on the books of the company for the sale and forfeiture of delinquent stock and may fill any vacancy which may happen in their board, for the current year. A majority of the Directors shall constitute a quorm for the transaction of business.

Failure to elect

§ 9. If it shall so happen that an election of Directors shall not take place at the annual meeting of said company in any year, the company shall not thereby be dissolved, but an election may be held at any time within one year, and the by-laws of said company shall contain ample provisions for the calling of meetings in case of failure to hold the regular annual meetings.

Books, &c.

§ 10. The books of the company shall at all reasonable times, be open for the inspection of the stockholders, and at each annual meeting, the directors shall make a full statement of the accounts and affairs of the company, and such statement shall also be made at any other regularly called meeting, when required by the stockholders.

§ 11. In the opinion of the Legislature the objects of the said company cannet be attained under general laws.

Public act.

§ 12. This act is declared a public act and shall be favorably construed in all courts, and shall take effect and be in force from and after its passage.

Approved February 26, 1850.

CHAPTER 53.

AN ACT for the relief of the First Presbyterian Church of Palmyra, in the county of Jefferson.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Election of Trustees.

SECTION 1. It shall be lawful for the members and congregation of the First Presbyterian church of Palmyra, in the county of Jefferson to elect trustees of said church and society at any time within thirty days after the passage of this act in compliance with the provisions of chapter sixty-six of the revised statutes, entitled "Of Religious Societies," *Provided*, That the provisions of sections four and five of said chapter sixty-six, in relation to the certificate of the names of the persons elected as trustees, and of the name by which said church and society shall be known, shall not apply to the election of said trustees, but the said church and society shall be fully organized as a corporation according to the meaning and intent of the law, the same as if the provisions of the said sections four and five had been complied with.

Official acts declared valid.

§ 2. The official acts of those persons now known as trustees of said Presbyterian church and society are hereby declared legal and valid the same as if the said persons had been elected according to law.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 28th, 1859.

CHAPTER 54.

AN ACT to amend chapter 252 of the Local Laws of 1858, entitled "An act to amend an act entitled an act to incorporate the city of La Crosse, Approved March 14, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Said chapter 252 of the local laws of 1858, entitled "an act to amend an act entitled an act to incorporate the city of La Crosse," approved March 14, 1856, is hereby amended as follows: In all cases where the city treasurer may have omitted to adver-

tise and sell lands for taxes as required by law, he is hereby authorized to sell the same at any future regular sale of lands after giving due notice according to law.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1859.

CHAPTER 55.

AN ACT to change the name of the South Presbyterian Society, connected with the South Presbyterian Church of the city of Milwaukee, to third Congregational Society of the city of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name changed.

SECTION 1. The name and style of the south Presbyterian society, connected with the south Presbyterian church of the city of Milwaukee, is hereby changed to the Third Congregational Society of the city of Milwaukee, and shall, from and hereafter, be known by that name and style, and they are hereby declared a body politic and corporate with perpetual succession by that name and style, shall be competent to contract and be contracted with, to sue and be sued, to answer and be answered unto, in all courts of law and equity, to acquire, hold, possess and enjoy property both real and personal: *Provided*, That nothing herein contained shall authorize the corporation to deal in any property, except for purposes connected with the erection, completion, purchase, or repairing, of a house of public worship or parsonage, or for purposes connected therewith.

By-laws, &c.

§ 2. That said society shall have power to form a constitution and enact by-laws for its government, to prescribe the number and title of its officers and to define their powers and duties, and such other powers as are necessary for governing and promoting the welfare and interests of said society; and said society may adopt a common seal and alter the same at pleasure, and it is hereby declared that in the judgment of the legislature of this state, the objects of the corporation named in this act cannot be attained under or by general laws.

§ 3. This act shall take effect from and after its passage.

Approved March 1, 1859.

CHAPTER 56.

AN ACT to extend the time for the collection of taxes in Winnebago county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time extended for collection of taxes.

SECTION 1. The time for the collection of taxes in the several towns, cities, wards and villages in the county of Winnebago, due for the year 1859, is hereby extended until the third Wednesday of June next, until which time the treasurers in said towns, cities, wards and villages, by virtue of their warrant for the collection of taxes, shall have the same power and authority to receive and enforce the payment of taxes in their respective towns, cities, wards and villages, and proceed in the manner now prescribed by law.

State taxes, &c.

§ 2. The treasurers mentioned in section one of this act shall forthwith pay over to the county [treasurer] the state taxes to be raised in the several towns, cities, wards and villages in said county, and shall, on the third Wednesday of June next, return to the county treasurer of said county the lands, city and village lots upon which taxes have not been paid, as required by law; and said county treasurer shall proceed to sell said lands, city and village lots so returned unpaid, according to the provisions of law.

§ 3. All moneys collected in pursuance of law and which by law are to be paid into the county treasury of said county shall be so paid over by the treasurers in said towns, cities, wards, and villages, to the county treasurer of said county on or before the third Wednesday of June next.

§ 4. This act shall be in force from and after its passage.

Approved March 1, 1859.

CHAPTER 57.

AN ACT to authorize the Waukesha County Bank to reduce its Capital Stock.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Waukesha County Bank is hereby permitted to reduce its capital stock to a sum not less than seventy-five thousand dollars, upon filing with the Bank Comptroller a certificate from the Secretary of State tat said bank has complied with the requirements of subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the State of Wisconsin," approved May 15, 1858, and setting forth in said certificate the amount to which such capital stock is to reduced. *Provided*, That said bank shall not be allowed to reduce its capital ssock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section, and said bank shall be required to pay to the State Treasurer all taxes due the State on the full amount of its capital up to and including the day on which such certificate is filed with the Bank Comptroller. Authority to reduce capital stock.

§ 2. The President and Cashier of the Waukesha County Bank shall, immediately after the passage of this act, file in the office of the Register of Deeds in the county where said bank is located, a certificate under oath stating the sum to which the capital stock of said bank is reduced. Duty of President and Cashier.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 2, 1859.

CHAPTER 58.

AN ACT to incorporate the Madison Gymnastic Association.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Fr. Sauthoff, A. Huchting, G. Ott, Casper Zwickey, M. Kirst, and others, having united themselves into an association for the purpose of teach- Incorporation.

CHAPTER 58. ing and learning gymnastics, and for cultivating and improving the faculties of the body as well as of the mind, by gymnastic exercise, and establishing and sustaining a reading room and library, and for other similar purposes, they and their associates are hereby created a body politic, and corporate, located in the city of Madison, and known by the name of the Madison Gymnastic Association, or in German, "Der Madison Turnverein."

Powers. § 2. The said corporation shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded with, to answer and be answered unto, to defend and be defended in all courts of law and equity in this State, and shall have perpetual succession, and be vested with all the powers and privileges necessary to carry out and fulfill the objects of their corporation.

Ibid. § 3. Said Association shall keep a common seal, and shall have power and authority to acquire, purchase, receive, possess, be seized with and enjoy property, real and personal, not exceeding in value the sum of one hundred thousand dollars, and the said association may alter said common seal, and sell, rent, demise, convey at pleasure, also to effectuate loans, borrow money for the use of the corporation, to issue their bonds therefor, and to execute, sign, seal, and deliver deeds, mortgages, or other instruments in writing, as the case may require.

Ibid. § 4. The said corporation shall have further power to establish for its government a constitution and by-laws, not inconsistent with the constitution and laws of this state, and make such rules and regulations as may be deemed necessary to carry into effect the objects of their association.

Trustees. § 5. The members of said association shall have power to assemble and meet at such time and place as may be agreed upon; and they shall elect any number of discrete persons of the association, not less than three nor more than nine in number, as trustees to take charge of real and personal property belonging thereto, as the laws of the state require, and to transact all business relating to the investment and disposal thereof.

Officers. § 6. It shall be lawful for said corporation to elect and appoint such of the officers as the administration and the circumstances of the corporation may require, also to require bonds and security for the faithful performance thereof, in such penal sum and with such

securities as they may choose, and also prescribe the term of their office. *Provided*, however, that the trustees shall hold their office, in conformity with the law, for at least one year, and until others are elected.

Real and personal property.

§ 7. The property, real and personal, of said corporation shall be solely devoted to the purposes and objects of said association, and all real and personal estate which has been or may thereafter be lawfully conveyed by devise, gift, grant, purchase or otherwise, to said society, or to any person or persons in trust for said association, shall descend with all improvements and appurtenances in perpetual succession to, and be held by the trustees in trust for said corporation.

§ 8. It is the judgment of the legislature, the object of this act of incorporation cannot be obtained under general laws.

§ 9. This act shall take effect and be in force from and after its passage, and may be repealed and altered or amended by any future legislature.

Approved March 2d, 1859.

CHAPTER 59.

AN ACT to amend an act entitled an act to extend the time for collecting taxes for the year 1858, in the counties of Brown, Oconto, Calumet, Manitowoc and Ozaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. The act entitled an act to extend the time for collecting taxes for the year 1858, in the counties of Brown, Oconto, Calumet, Manitowoc and Ozaukee, approved January 22d, 1859, is hereby amended so that the time for collecting said taxes in the counties of Calumet and Kewaunee shall not be extended beyond the first Monday of May next.

Return of delinquent taxes.

§ 2. In all cases where the treasurer of any town, city or village in said counties of Calumet and Kewaunee shall not have made his returns of delinquent taxes before receiving notice of the passage of this act, he shall retain in his hands for collection all delinquent taxes, and may receive such of the taxes thereon as shall be paid voluntarily prior to the first Monday of

CHAPTER 59. May next, and receipt the same to the person or corporation making such payment therefor without other or further authority than the original warrant issued to him for the collection of the same.

Ibid. § 3. In all cases where the treasurer of any city, town or village in said counties of Calumet and Kewaunee shall, before receiving notice of the passage of this act, have made return to the county treasurer of delinquent taxes for said year 1858, the said county treasurer shall not issue any warrant to the sheriff for the collection of the same till after the first Monday of May next.

Ibid. § 4. If, upon the first Monday of May next, there shall be remaining in the hands of any town city or village treasurer any delinquent and unpaid taxes, it shall be the duty of such officer to present his original warrant to the officer who issued the same, for a renewal thereof, and it is hereby made the duty of said officer to renew the same for thirty days from said first Monday of June by endorsement under his hand, and the said treasurer shall thereupon proceed to enforce collection of the same by distress and sale in the manner now provided by existing laws, and shall make return of such warrant and tax list to the county treasurer on the second Monday of June next, in the manner now provided by existing laws.

Term of office. § 5. The term of office of the treasurers of the towns, cities and villages in Calumet and Kewaunee counties, for the purposes of this act, is hereby extended to the second Monday of June next, but said treasurer shall give a new official bond before the first Tuesday in March next, in double the amount of delinquent taxes retained in their hands.

Construction of act. § 6. Nothing in this act contained shall be construed to authorize any collector to retain in his hands any taxes already collected by him, and every collector is hereby required to pay over to the proper officer, in person, such taxes as he may have collected on the first Monday of every month until the time shall have elapsed to make his return as hereinbefore provided.

§ 7. This act shall take effect and be in force from and after its passage.

Approved March 2d, 1859.

CHAPTER 60.

AN ACT to legalize the proceedings of Joint School District No. 3 of Waupun, Chester, Alto and Trenton in the counties of Dodge and Fond du Lac.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All taxes voted or levied, and all contracts made or liabilities incurred and all proceedings had in joint school district No. 3, of the towns of Waupun, Chester, Alto and Trenton, under and by virtue of "an act to authorise said joint school district No. 3 to levy a special tax to purchase a site and build a school house therein," approved April 15th, 1858, are hereby made and declared legal and binding upon said district. Proceedings declared legal.

§ 2. The clerk of said joint school district is hereby authorized to issue a new warrant and attach the same to the tax list issued to the treasurer of said district, on the 27th day of October, A. D., 1858, within thirty days after the passage of this act, which warrant shall be returnable in forty days, and made in the manner provided in section 70 of chapter nineteen of the revised statutes of 1849, except after the words "shall command the treasurer of such district to collect from such of the taxable persons and corporations named in such tax list, and of the owners of real estate described therein" shall be added, "who have not paid the taxes mentioned in such tax list" and the treasurer of said district shall possess the like powers in the execution of the same, as are conferred by law upon the treasurers of towns in the collection of town and county taxes, and shall return the said warrant and tax list as provided in chapter 19. Treasurer's warrant.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 3, 1859.

CHAPTER 61.

AN ACT to authorize the Arctic Bank, Bank of Moneka, and the St. Croix Valley Banks to reduce their capital.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to reduce capital stock.

SECTION 1. The Arctic Bank, Bank of of Moneka, and the St. Croix Valley Bank, are all permitted hereby, to reduce their capital stock to a sum not less than twenty-five thousand dollars, upon filing with the Bank Comptroller, a certificate from the Secretary of State, that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin for the year 1852, entitled an act to authorize the business of banking in the state of Wisconsin, approved May 15, 1858, and setting forth in said certificate, the amount to which such capital stock is to be reduced: *Provided*, That said banks shall not be allowed to reduce their capital stock to an amount less than their circulating notes outstanding at the time of the filing of the certificate required in this section, and said banks shall be required to pay to the State Treasurer all taxes due the state on the full amount of their capital up to and including the day on which such certificate is filed with the Bank Comptroller.

Duty of President and Cashier.

§ 2. The president and cashier of the several banks named in sectiion one of this act shall after the passage of this act, file in the office of the register of deeds in the counties where said banks are located, certificates under oath, stating the sum to which the capital stock of said banks are reduced.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1859.

CHAPTER 62.

AN ACT to reduce the capital stock of the Bank of the Capitol, Madison, Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Bank of the Capitol at Madison, is hereby permitted to reduce its capital stock to a sum not less than twenty-five thousand dollars, upon filing with the Bank Comptroller, a certificate from the Secretary of State, that said bank has complied with the requirements of subdivision thirteen (13) of an act to amend chapter four hundred and seventy-nine (479) of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the State of Wisconsin" approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is reduced. *Provided*, That said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section, and the said bank shall be required to pay to the State Treasurer all taxes due the state on the full amount of its capital up to and including the day on which such certificate is filed with the Bank Comptroller. **Authority to reduce capital stock.**

§ 2. The president and cashier of the Bank of the Capital, shall immediately after the passage of this act, file in the office of the register of deeds, in the county where said bank is located and where its notes are redeemed, a certificate under oath stating the sum to which the capital stock of said bank is reduced. **Duty of President and Cashier.**

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1859.

CHAPTER 63.

AN ACT to provide for the collection of taxes for the year 1857, in the territory constituting the town of Stevens' Point during said year.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Clerk of Board of Supervisors.

SECTION 1. The clerk of the board of Supervisors of the county of Portage, is hereby directed and required to make and deliver to the town clerk of the town of Stevens Point, in said county, on or before the first day of April, 1859, a certificate under his hand, showing the amount of county, state and school taxes levied or or apportioned to said town for the year 1857, after deducting from the aggregate sum, all credits subsequently given to said town by order of the county board of supervisors, for, or on account of the apportionment of taxes to said town for said year 1857, being too high, or unequal with the balance of the towns in said county.

Town Clerk, taxes, &c.

§ 2. The town clerk of said town is hereby directed and required, within ten days after the receipt of the certificate mentioned in the foregoing section, to calculate and carry out the total amount of such taxes in the assessment roll of said town for the year 1857, adding thereto, five per cent for expenses of collection in an additional column prepared for that purpose, setting opposite the several sums set down as the valuation of real and personal property the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fractions of a cent, and said town clerk is also directed and required thereafter, and within said ten days, to transcribe said taxes into the *same copy* of said assessment roll that was delivered to the treasurer of said town in the year 1857, with the warrant of the town clerk thereto annexed, requiring the collection of town taxes &c., so that said copy shall correspond and compare with said assessment roll after said stare, county and school taxes are inserted therein, as provided in this section.

Collection of taxes.

§ 3. Immediately after the correction of said assessment roll and copy, in the manner specified in sec. 2 of this act, said town clerk shall so change the warrant annexed to said copy, as that it shall require payment of said state, school and county taxes to the county treasurer for the purposes required by law, and shall

deliver said copy of the assessment roll with such warrant thereto annexed, to the sheriff of said county of Portage, who is hereby authorized and required to collect and return said taxes to the county treasurer, on or before the fifteenth cay of June, 1859, and for that purpose, the said sheriff is hereby declared to possess all the powers of town treasurer, and shall proceed in the collection and return of said taxes in the manner that town treasurers are required to proceed in the collection and return of taxes, by chapter eighteen of the revised statutes. And the said sheriff is hereby further required to collect all town and other local taxes appearing upon said assessment roll or copy thereof, and remaining unpaid, and pay the same over to the town treasurer, on or before said fifteenth day of July, 1859, and for that purpose shall possess the same powers and proceed in the same manner as above provided, and the said assessment roll, copy and warrant, when so corrected and altered are hereby declared to be legal and in full force, and said warrant shall be sufficient authority for said sheriff to collect and return said state, county, school, town and other local taxes at any time before the said fifteenth day of July, 1859, and the time for the collection of said taxes is hereby extended to that day.

Duty of Sheriff.

§ 4. If any of the state, county, school, town or local taxes of any kind mentioned in said assessment roll, or copy thereof, shall remain unpaid, and the sheriff shall be unable to collect the same, he shall, on [or] about said fifteenth day of July, 1859, make return of all such delinquent taxes to the county treasurer, in the same manner that town treasurers are required to return delinquent taxes by said chapter eighten of the revised statutes, and the county treasurer is hereby required to proceed to sell all lands that may be returned to him for the payment of any of said taxes, in the same manner, and upon the same conditions that county treasurers are, or may be at the time of such sale, required to sell lands for delinquent taxes in other cases, and the proceeds of such sale shall be applied to the payment of such delinquent taxes, costs and charges, in the same manner that the proceeds of the sales of lands in ordinary cases are applied, and the sale, when made of any lands so returned by said sheriff, is hereby declared to be legal, and shall have the same force and effect as other sales of lands for the

Delinquent taxes.

CHAPTER 64. non-payment of taxes, and all laws in force at the time of such sale, relating to the return and sale of lands, for, or on account of delinquent taxes, in ordinary cases, and proceedings subsequent thereto, shall apply to the return and sale of lands that may be returned by said sheriff, and the proceedings subsequent thereto, so far as such laws may be applicable.

Powers of Sheriff. § 5. For the purpose of collecting the taxes named in said assessment roll or copy thereof, the jurisdiction of said sheriff, shall be co-extensive with the county of Portage, and he may, for the purpose aforesaid, exercise the same powers and authority in each and every town in said county, that town treasurers may exercise in their respective towns, in the collection of taxes under and by virtue of said chapter eighteen of the revised statutes, and as compensation for his services, the sheriff shall be entitled to five per cent. of all moneys by him collected under the provisions of this act.

§ 6. This act shall take effect and be in force from and after its passage.

Approved March 4th, 1859.

CHAPTER 64.

AN ACT to change the line of the Manitowoc Rapids and Menasha Stat Road.

The people of the State of Wisconsin, represented in Sena and Assembly, do enact as follows:

Commissioners SECTION 1. William H. Daskum, M. T. W. Scot and Benjamin F. Waterman, are hereby appointe commissioners to change the line of the state road know and recorded as the Manitowoc Rapids and Menasl State Road, so that the said road shall run upon the qu ter section line of the sections through which the sa road passes.

§ 2. This act shall take effect and be in force fr and after its passage.

Approved March 4, 1859.

CHAPTER 65.

AN ACT to legalize the Assessment Roll of the several towns of the counties of Kewaunee and Door.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The assessment rolls of the several towns of the counties of Kewaunee and Door for the year 1858, are hereby declared to be valid and legal to all intents and purposes. Assessment declared valid.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1859.

CHAPTER 66.

AN ACT to amend an act entitled an act to incorporate Allen's Grove Academy, approved March 7th, 1853.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the stockholders of Allen's Grove Academy, at the next annual meeting, or at any meeting legally called for that purpose, may have power to elect from their number twenty-one trustees, three of whom shall be elected for one year, three for two years, three for three years, three for four years, three for five years, three for six years, and three for seven years; and after the first year three may be elected annually. *Provided*, always, that all trustees shall hold their offices until others are elected in their place. And so much of section five in said act of incorporation, as defines the number of trustees is hereby repealed. Election of Trustees.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1859.

CHAPTER 67.

CHAPTER 67.

AN ACT to incorporate the La Point Iron Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Body corporate

SECTION 1. That Henry B. Payne, Louis F. Leopold, Henry Goodman, Robert F. Paine and Julius Austrian and such other persons as may hereafter become associated with them, in the manner hereinafter provided, shall be, and they are hereby incorporated and made a body corporate and politic by the name and style of the "La Pointe Iron Company," and by that name shall have succession, shall be able to contract and be contracted with, to sue and be sued, plead and be impleaded in any court of law or equity; to make, have and use a common seal, and the same to alter and renew at pleasure; and the said company shall have full power and authority to open and work any mines of iron or any other ores and minerals that may exist on any lands which the said company may acquire within the state of Wisconsin.

Capital Stock.

§ 2. The capital stock of said company shall consist of one thousand shares of five hundred dollars each, (with the privilege of increasing the same one thousand shares, two-thirds of the stockholders consenting thereto,) but it shall be lawful for said company to organize and commence their operations when and so soon as fifty thousand dollars shall be subscribed of said stock and five per cent. thereon paid in cash, and with that capital to commence, conduct and carry on the same until they shall find it expedient to enlarge their capital, which they are authorized to do from time to time, to the amount first above mentioned and provided for.

Directors.

§ 3. The management of the affairs of said company shall be vested in five directors, who shall be stockholders, any three of whom shall constitute a quorum to do business; such directors shall hold their office for one year, and until their successors shall be elected and qualified. The board of directors as soon as practicable after their election, shall proceed to elect one of their number president of the company, and the president and directors shall elect and appoint all such other officers and persons as they shall deem necessary for the management and care of the business of the company.

§ 4. The corporators named in the first section of this act shall act as commissioners to procure subscriptions to the stock of said company, and for that purpose shall open books at such place or places as they or a majority of them shall designate, and as soon as fifty thousand dollars or more are subscribed, they shall notify the stockholders of the fact, designating some convenient time and place for them to meet and hold an election for directors. Subscription to stock.

§ 5. Said company shall have power and authority to carry on the business of mining, smelting and manufacturing ores, metals and minerals within this state, and for that purpose may acquire, hold, use and transfer real and personal property, may erect buildings, machinery and other improvements and use the same in its business; may sink shafts, erect steam engines, mills, furnaces, bloomeries, founderies and other establishments necessary and useful in mining, smelting and manufacturing ores, metals and minerals. Powers of Company.

§ 6. The stock of said company shall be deemed personal property, transferable on the books of the company in such manner as the directors shall regulate by [by] law. Stock deemed personal property.

§ 7. The president and directors of said company may enact and establish such by-laws, rules and regulations for the government of themselves and all officers and persons in the employ of said company, as shall not be inconsistent with the provisions of this act, the constitution of the United States and of the state of Wisconsin. By-laws.

§ 8. That for the convenience of the laborers and others, said company may sell goods, wares and merchandise at their place or places of business: *Provided*, they pay the same tax or license which individual merchants or dealers in like articles are required by law to pay. Company may sell goods, &c.

§ 9. That said company shall be authorized to construct a rail road, with single or double track, with such side tracks, turn outs, offices and depots as they may deem necessary to carry out the objects of the said corporation, from any such mines to any other railroad or navigable water or place within or upon the borders of this state. Authority to construct rail road.

§ 10. It is the opinion of the Senate and Assembly that the objects sought under this (bill) [act] cannot be reached by any laws now in existence.

CHAPTER 68.

§ 11. This is declared to be a public act, and a printed copy may be used in evidence.

Public act.

§ 12. This act shall take effect and be in force from and after its passage.

Approved, March 5, 1859.

CHAPTER 68.

AN ACT to incorporate the Wisconsin Wesleyan Methodist Annual Conference.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Body corporate

SECTION 1. That Rev. H. McKee, President, and E. W. Stevens, Secretary, and their associates, together with such other persons as may hereafter be associated with them, be and are hereby created a body corporate and politic, with perpetual succession to be styled the Wisconsin Wesleyan Methodist Annual Conference, and shall have power to sue and be sued, to contract and be contracted with, plead and be impleaded, to acquire, hold and convey property, real and personal, to have and to use a common seal, to alter and revise the same at pleasure. *Provided*, Said Conference shall not at any time possess an amount of property exceed one hundred thousand dollars in value.

Trustees.

§ 2. That the President, Secretary and Missionary Treasurer of said conference shall be a board of trustees to hold in trust for the use of said Conference any moneys or other property received either by donation, bequest or purchase, subject to the control of said Conference.

"This bill was presented to me for approval on the 12th February; it was mislaid, and in consequence, remained in my hands over three days, without approval or disapproval.

"March 5, 1859.

"ALEX. W. RANDALL."

CHAPTER 69.

AN ACT to amend "an act to incorporate the Phœnix Insurance Company," approved February 27, 1857.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of an act to incorporate the Phœnix Insurance Company, approved February 27, 1857, is hereby amended by striking out the word "Waukesha," where it occurs in the last line of said section, and inserting in lieu thereof the word "Milwaukee." Amendment.

§ 2. The directors of the Phœnix Insurance Company shall have power from time to time, whenever they may deem it necessary, to require the stockholders in said company, or any of them, to give such additional security for the payment of any sums which may remain unpaid upon their stock subscription or stock notes, and in case any stockholders in said comyany shall neglect or refuse to give such additional security for the payment of any sum remaining unpaid on his stock subscription or stock notes, or shall neglect or refuse to pay any call or assessment which may be made upon his stock subscription or stock note, by the board of directors, for thirty days after receiving notice of any resolution of the board of directors requiring such security to be given, or making such call or assessment, the board of directors shall have power to forfeit the stock of such stockholder together with all payments theretofore made thereon to the use of the company, and to to declare such forfeiture by resolution, the affirmative vote of two-thirds of all the directors of said company being required to adopt such resolution. Powers of Directors.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1859.

CHAPTER 70.

AN ACT to legalize a highway in the town of Arlington, Columbia County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Declared a legal highway.

SECTION 1. The action of the board of supervisors of the town of Arlington, Columbia county, in laying out a certain highway, commencing in the centre of the Madison and Portage road, where the said road crosses the one-eight (1-8) line of section thirty-three (33), township ten (10), range nine (9), eighty rods north from the south-east corner of said section thirty-three (33), thence west on said (1-8) one-eight line, three hundred and twenty (320) rods to M. one (1) in the prairie, thence on said line eighty rods to S. No. one (1) in the prairie, thence north fifty-one degrees (51°), west one hundred and twenty-three (123) rods to S. No. two (2), thence west on the quarter line one hundred and ninety-seven (197) rods to M. two (2) on said line, forty-six rods (46) to centre of Military road, at east quarter post of section thirty-one (31), township ten (10), range nin (9), is hereby legalized and made valid, and the said road is declared a legal highway.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1859.

CHAPTER 71.

AN ACT to provide for laying out a state road from the villages of Fox Lake in Dodge county, to Mackford and Markesan in Green Lake county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners to lay out a State road.

SECTION 1. Benjamin Ferguson, William Shore and Quartus H. Barron are hereby appointed commissioners with full power to lay out and establish a state road from the village of Fox Lake in Dodge county to the villages of Mackford and Markesan in Green Lake county.

Compensation.

§ 2. Any two of said commissioners appointed under the provisions of this act may proceed to view and

lay out said road, and upon the performance of the work shall be entitled to receive such compensation for their services as the board of supervisors of the counties in which the road shall pass, shall allow, to be paid out of the county treasury: *Provided*, That no part of the expense of laying out said road shall be paid out of the state treasury.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1859.

CHAPTER 72.

AN ACT to authorize the First Baptist Society in Sugar Creek to elect its officers and to legalize the acts of the said society.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Election of officers.

SECTION 1. The First Baptist society in Sugar Creek is hereby authorized to hold a meeting in the town of Sugar Creek, in Walworth county, for the purpose of electing all officers which by the original papers of in-incorporation, are made necessary and proper to be elected or appointed according to the laws governing the said society.

Notice of meeting.

§ 2. At least five daysnotice shall be given of the time and place of the meeting of said society for the purposes mentioned in the next preceding section, and shall be posted in three public places in said town.—The said meeting may be called at any time prior to the first of January, 1860, and the said society shall meet annually thereafter and elect the officers required to be elected in said society. The present officers of said society shall hold their respective offices till their successors shall be elected and qualified according to the provisions of this act.

Property.

§ 3. All property that has been heretofore acquired whether real or personal, by the said society, is hereby declared to have been legally acquired.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 4, 1859.

CHAPTER 73.

AN ACT to amend chapter 145 of the local laws of 1857, entitled "an act to protect the lumber interests of Black River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section 1 of chapter 145 of the local laws of 1857 is hereby amended by inserting after the word larceny in the tenth line "and may be prosecuted in any county through which said river runs."

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1859.

CHAPTER 74.

AN ACT to amend chapter 274 of the local laws of 1857, entitled "an act to amend an act entitled an act to incorporate the city of La Crosse, approved March 14, 1856."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section two (2) of chapter 274 of the local laws of 1857, entitled "an act to amend an act entitled an act to incorporate the city of La Crosse, approved March 14, 1856, is hereby amended by striking out the last twenty-one words of said section.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1859.

CHAPTER 75.

AN ACT to amend chapter 276 of the Private and Local Laws of 1857, entitled an act to incorporate the village of Depere.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of the act to which this is amendatory, is hereby amended by adding after the words six trustees, the word "treasurer." Amendment.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1859.

CHAPTER 76.

AN ACT to authorize the Supervisors of the town of Palmyra to establish and open certain highways.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The supervisors of the town of Palmyra, in the county of Jefferson, are hereby authorized immediately after the passage of this act, to establish and open a highway in said town as follows, to wit: said highway to be four rods wide, and to commence at the northeast corner of the southwest quarter of the southwest quarter of section number sixteen and running thence west on the south half quarter line of sections sixteen, seventeen and eighteen, until it intersects the west line of the town of Palmyra aforesaid. Also a public highway four rods wide, commencing in the center of the highway aforesaid fifty links west of the point where said highway crosses the center line of said section seventeen running north and south, and running thence south parallel with said line and two rods therefrom until it intersects the highway leading from Palmyra to the village of Whitewater. Authority to open highways.

§ 2. Immediately after the passage of this act, the board of supervisors of the town of Palmyra aforesaid shall give notice in writing to the owners or occupants of the lands through which the said highways run, to remove the fences from the same, giving the said owners or occupants such time as may be deemed reasonable, not Removal of fences.

CHAPTER 77. less than twenty days, *Provided* that they shall not be required to remove said fences between the tenth day of April and the fifteenth day of October next.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 8, 1859.

CHAPTER 77.

AN ACT to authorize the Merchant's and Mechanics's Bank, of this State, to reduce its capital.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as folows:

Authority to reduce capital stock.

SECTION 1. The Merchant's and Mechanic's Bank, of this state, is hereby permitted to reduce its capital stock to a sum not less than twenty-five thousand dollars, upon filing with the Bank Comptroller a certificate from the Secretary of State that said bank has complied with the requirements of subdivision thirteen, of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the State of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which it is proposed to reduce such capital stock. *Provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate as provided in this section, and said bank shall be required to pay to the State Treasurer all taxes due the state on the full amount of its capital stock, up to and including the day on which such certificate is filed with the Bank Comptroller.

Certificate of capital stock.

§ 2. The president and cashier of the Merchant's and Mechanic's Bank, of this state, shall, immediately after the passage of this act, file in the office of the Register of Deeds in the county where said bank is located and where its notes are redeemed, a certificate under oath, stating the amount to which the capital stock of said bank is reduced.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 10, 1859.

CHAPTER 78.

AN ACT to legalise the acts of Royal C. Bierce, as Court Commissioner in the county of Bad Ax.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The official acts of Royal C. Bierce, as court commissioner for the county of Bad Ax, under the appointment of the Hon. George Gale, circuit judge, shall not be illegal or invallid, for or on account of said Bierce being district attorney of said county, and performing the duties thereof. The provisions of this section shall apply to all such official acts of said Bierce, of court commissioner, as have been performed by him since the first day of January, 1858. Acts of Commissioner legalized.

§ 2. This act shall take effect and be in force from and after its passage.

Aproved, Marrh 10th, 1859.

CHAPTER 79.

AN ACT to incorporate the Sisters of Charity of St. Joseph's of the city of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly do enact rs follows:

SECTION 1. That Mary Vincent McIntee, Frances Agnes Flanley, Mary George Sebold, Ariana Buckley and Monita Ryter, and their successors, appointed in accordance with the rules and regulations of the sisters of charity of Saint Josephs of the city of Milwaukee, whose mother house is in Emmetsburgh, in the county of Frederick, state of Maryland, be and are hereby constituted and established a body corporate and politic with perpetual succession, by the name and style of "the Sisters of Charity of Saint Josephs [of the] city of Milwaukee," and by that name shall be competent to contract and be contracted with in all matters relative to the objects of their association, shall have a common seal, the device of which they may form and change at their pleasure; shall be capable of suing and being Body corporate

CHAPTER 79.

sued; of pleading and being impleaded; of answering and being answered unto in all of the courts in this state, or the United States, with full power and authority [to] acquire, possess, hold, use and enjoy by gift, grant, devise, purchase or otherwise, real estate and personal property, and shall have power to sell, convey, mortgage and dispose of the same in any manner the said corporators or their successors appointed as aforesaid, shall deem best for the interest of the corporation, and the furtherance of the charitable and educational purposes for which this corporation is created.

Power and authority.

§ 2. The said corporators and their successors, shall have full power and authority to make, ordain, establsh and put into execution, such by-laws, rules and regulations as they mry deem proper for the conduct and government of the hospitals, schools, asylnms and other establishments under their care and control, and the efficient government of their own board, and the officers appointed thereby, such by-laws not being contrary to the laws and constitutions of this state or the United States.

Object of corporation.

§ 3. The object of said corporation, is to afford a greater opportunity and more security to the corporators and their successors for the establishment of hospitals, schools, asylums, and other institutions for the relief and education and care of ihe poor, the needy, the destitute, the orphan and the ignorant, and to this end no property of any kind whatsoever, shall be held or acquired, or conveyed otherwise than for the furtherance of the object for which this corporation is instituted.

§ 4. It is hereby declared, that in the judgment of the Legislature of this state, the objects of the foreging bill [act] cannot be attained under the general laws.

§ 5. This act to take efiect and be in force from and after its passage.

Approved, March 11, 1859.

CHAPTER 80.

AN ACT to extend the time for the sale of lands for taxes in the village of Menasha.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the time for the sale of lots and real estate for delinquent taxes for the year 1858, in the village of Menasha, be and the same is hereby extended to the 12th day of April next, at which time it shall be lawful to be made, and when so made shall be legal and valid. *Provided*, The said sale shall be conducted as requited by law. Tax sale extended.

§ 2. This act shall be in force from and after its passage.

Approved March 10, 1859.

CHAPTER 81.

AN ACT to authorize the erection of a beacon light at the entrance of the harbor of Green Bay.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Green Bay is hereby authorized to cause to be erected upon Grass Island, at the mouth of Fox river, a proper light for the convenience and security of ships and vessels making the entrance into the harbor of Green Bay; and for that purpose all the right, title and interest of the State in and to said island, being a portion of the unsurveyed swamp and overflowed lands belonging to this State, is hereby relinquished by the State to the said city of Green Bay. Erection of beacon light.

§ 2. Unless the said city shall cause the said island to be surveyed and a plat thereof to be made and returned within one year, the rights and privileges hereby granted may be resumed by the State, or granted to any other body or person. Restrictions.

§ 3. This act shall take effect on and after its passage.

Approved March 10, 1859.

CHAPTER 82.

AN ACT to provide for the sale of lands returned to the County Treasurer of the County of Chippewa for the non-payment of taxes for the year 1858.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Returned lands

SECTION 1. All lands returned to the county treasurer of the county of Chippewa, for the non-payment of taxes for the year 1858, upon which the taxes, interest and charges, shall not have been paid at the time of giving the notice of sale as required by this act, shall be sold by such treasurer on the second Monday of June next, and notice of the same shall be given, and all proceedings relative to such sale shall be had, as provided by law in cases of sale of lands for non-payment of taxes.

§ 2. This act shall be published and shall take effect and be in force from and after its passage.

Approved March 10, 1859.

CHAPTER 83.

AN ACT to attach certain territory therein named to the town of Green Lake in Green Lake county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Territory attached.

SECTION 1. That sections No. thirty-five, thirty-six, twenty-five and the south half of section twenty-four, in the town of Brooklyn, county of Green Lake, be, and same is hereby detached from the said town of Brooklyn and attached to the town of Green Lake in said county of Green Lake, and shall be and remain a part of the town of Green Lake.

Taxes levied.

§ 2. All taxes levied upon, and now due to the said town of Brooklyn from any of the lands mentioned in the first section of this act shall be collected and used in the same manner as if said lands were remaining to and a part of said town of Brooklyn: *Provided*, also, that the lands hereby attached to the town of Green Lake shall not be held liable for any debts, or tax now due from said town of Green Lake and remaining unpaid by said town.

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§ 3. All school moneys now in the hands of the town superintendent of the town of Brooklyn, or that may come into his hands for the year 1858, shall be by said superintendent apportioned as if the said lands and the inhabitants residing thereon were remaining a part of the said town of Brooklyn. School moneys.

§ 4. This act shall take effect and be in force from and after its passage; and the Secretary of State is hereby required to mail a certified copy of this act to each of the town clerks of Brooklyn and Green Lake. Certified copy of act.

Approved March 11, 1859.

CHAPTER 84.

AN ACT to provide for the correction of the assessment roll of Milwaukee and for the sale of lots and lands in the city and county of Milwaukee for the non-payment of taxes for the year 1858.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Milwaukee are hereby authorized to correct the assessment roll of the said city made for the year 1858, by rectifying all errors and illegal assessments apparent on the same; and also wherever improvements are assessed on the wrong lot or piece of land, by correcting the same and assessing them on the proper lot or piece of land. Authority to correct assessment roll.

§ 2. Such correction shall be made within thirteen days from the passage of this act, or as soon thereafter as it conveniently can be done.

§ 3. When such assessment roll shall have been so corrected, the common council shall by resolution, declare the same to be the assessment roll of said city, for the said year, and such resolution shall be conclusive evidence that such assessment roll is valid and legal. Common Council.

§ 4. The said assessment roll, so corrected by the common council, and the rate of taxation heretofore levied by said common council, and by the county board of supervisors for the year 1858, on the real and personal property of said city are hereby declared to be the proper and legal assessment roll and the proper and legal rate of taxation for said year. Corrected assessment roll.

§ 5. On the first Monday of April next, the city

CHAPTER 94.

Return of delinquent taxes.

treasurer shall make his return of delinquent taxes for state, county, and school purposes to the county treasurer.

Collection of taxes.

§ 6. The county treasurer shall proceed to collect the state, county and school taxes of the whole county of Milwaukee, in accordance with the law in force on the 31st of December last, and on the the third Monday of April next, he shall proceed to sell according to the provisions of the said law, all lots and lands upon which the said tax shall then remain unpaid.

Notice of time and place of tax sale.

§ 7. In lieu of the notice and statement heretofore required, he shall, before commencing said sale, give public notice of the time and place of such sale, by advertisement for at least ten days in the official papers of said county. It shall not be necessary to accompany such notice with a list of the lands to be sold.

Effect of sale.

§ 8. The effect of the sale and of all proceedings subsequent shall be the same as they would have been under said law, which for the purpose of this act is hereby revived and directed to be in force.

Duty of City Treasurer.

§ 9. The city treasurer shall without any further notice, on the said first Monday of April, in accordance with the provisions of the charter and the amendments thereto and the laws in force on the 31st day of December last, proceed to sell the lots and lands within the said city, upon which any taxes levied by the common council for the year 1858, or any special tax or assessment shall then remain unpaid. The effect of such sale and of all proceedings subsequent thereto shall be the same as they would have been under the city charter and other laws in force on the 31st day of December last.

Term of office extended.

§ 10. The term of office of the present Treasurer of the said city is hereby continued and extended to the first Monday of June, 1859, at which time the term of office of his successor shall commence. The present treasurer shall, within thirty days after the passage of this act, give bonds in the manner now required of a treasurer of said city, before entering upon the duties of his office.

Surplus taxes.

§ 11. Any and all surplus of state and county taxes levied and collected in said city for the year 1858, by reason of errors in the copy of the assessement roll returned to the county officers over and above the amount intended to be levied by the county board of supervisors shall be paid over to and become a part of the school fund of said city and county.

§ 12. The act entitled "an act to authorize the correction of the assessment roll of the city of Milwaukee for the year 1858, and a re-levy of taxes in said city for said year, approved February 5th, 1859, is hereby repealed. CHAPTER 85. Repealed.

§ 13. This act shall take effect from and after its passage.

Approved March 11, 1859.

CHAPTER 85.

AN ACT to incorporate the Fox Lake Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. William E. Smith, Stoddard Judd, Benjamin Ferguson, John W. Davis, George Jess, William H. Sander, I. B. Decker, John N. Hardy and Michael Mulvany and their associates, are hereby created and constituted a body corporate, by the name and style of the Fox Lake Railroad Company, for the purpose of building, constructing and operating, with horse or steam power, a railroad from the village of Fox Lake, in Dodge county, to the line of the LaCrosse and Milwaukee Railroad, at any suitable or convenient point within the limits of the town of Fox Lake, and to form a junction with said Railroad. Body corporate

§ 2. Upon the completion of said Railroad the company hereby created are hereby authorized to charge, collect and receive, for transportation of passengers and freight over the said railroad, such sum or sums of money as they shall consider just and reasonable, not exceeding twenty-five cents for each passenger, nor one half of one cent per bushel for wheat nor exceeding four cents for one hundred pounds on merchandise and other articles of freight. Operation of road.

§ 3. The capital stock of said company shall consist of ten thousand dollars, to be divided into shares of one hundred dollars each. Capital stock.

§ 4. This corporation shall be subject to all the provisions of, and possess all the powers conferred by chapter seventy-eight (78) of the Revised Statutes, entitled "general provisions relating to corporations." Powers, &c.

CHAPTER 86.

Directors.

§ 5. The said persons named in the first section of this act, shall be the first directors in the corporation hereby created, and shall hold their offices until their successors are duly elected.

§ 6. It is hereby declared to be the opinion of the legislature that it is inexpedient and impracticable to accomplish the objects of the foregoing act by a general law.

§ 7. This act shall take effect and be in force from and after its passage.

Approved March 10, 1859.

CHAPTER 86.

AN ACT to authorize the county Judge of Dane county, Wisconsin, to appoint a Commissioner to settle the estate of Samuel H. Baker, late of the town of Sun Prairie, in said county.

Preamble.

WHEREAS, Samuel H. Baker, late of the county of Dane and State of Wisconsin disappeared sometime early in the month of October, 1858, under circumstances which lead to the belief that he is dead, and whereas it is necessary, for the purpose of preserving the property of the said Samuel H. Baker that some person shall be authorized to take charge of the same, and the evidence of his death not being sufficiently certain to authorize the appointment of an administrator under existing laws, therefore

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioner.

SECTION 1. The county judge of Dane county shall be authorized, upon application as hereinafter provided, to appoint a Commissioner to settle the estate of Samuel H. Baker, late of said county.

Duty of County Judge.

§ 2. When an application shall be filed by Eliza G. Baker, wife of the said Samul H. Baker, asking the appointment of a Commissioner to settle the estate of her said husband, it shall be the duty of the county judge aforesaid to cause a notice to be served upon all the heirs and legal representatives of the said Samuel H. Baker, which notice shall specify the object of the application and the time and place at which such application will be for hearing, which notice shall be served

upon such heirs and legal representatives at such times as said judge shall deem sufficient, not less than ten days prior to such hearing, and if the said judge shall, upon the evidence produced at such hearing, be satisfied that it is necessary that some person be authorized to take charge of the property of said Baker in order to preserve the same and settle his estate, he shall be authorized to appoint a suitable person a Commissioner for that purpose.

Commissioner to give bond.

§ 3. Such Commissioner shall, immediately after his appointment, enter into bond with such conditions as shall be prescribed by the county judge, and with such surety as said judge shall approve, and shall take an oath to faithfully and honestly discharge the duties of Commissioner under this act, which oath shall be subscribed by said Commissioner and filed with the county judge.

Powers of Commissioner.

§ 4. When said Commissioner shall have filed his bond and taken the oath as prescribed in the foregoing sections of this act, he shall have power to take possession of all the real and personal property belonging to the said Samuel H. Baker, and to sell any such part or parts thereof, at public or private sale, as said county judge shall, upon application for that purpose, direct, and to invest or dispose of the proceeds of the sale of property so sold under the direction of the county judge, with the assent of the heirs and legal repaesentatives of the said Samuel H. Baker, and upon the sale of any real estate as aforesaid, the said Commissioner and the said Elvira G. Baker, wife of the said Samuel H. Baker, shall have full power to execute and deliver deeds to the purchaser or purchasers thereof, which, when so executed, shall be sufficient to pass the title to the land so conveyed as fully and effectually as if executed by the said Samuel H. Baker, and said Commissioner shall be fully authorized to prosocute any suit now pending in favor of the said Samuel H. Baker the same as the said Samuel H. Baker could himself do if personally present, and to collect and receipt for the same, to sue for in his name as Commissioner, and to collect all debts due or to become due to the said Samuel H. Baker, and to execute and deliver such receipts or releases as may be necessary to fully release or discharge any mortgage made to or owned by said Baker. And the said Commissioner shall be further authorized, under the direction of the said county judge, to com-

CHAPTER 87. promise any claim, demand or interest which shall have accrued or may accrue to the said Samuel H. Baker or against him, and to deliver and receive the necessary releases for the same.

§ 5. The Commissioner appointed under the provisions of this act, shall be governed in allowing claims and paying debts, in the settlement of his accounts and in the distribution of the estate of the said Samuel H. Baker, by the laws in force regulating executors and administrators, and shall be entitled to the same fees,

Proviso. *Provided*, that said Commissioner shall not be authorized to distribute the residue of said estate subject to the distribution until after the expiration of three years from the date of his appointment, unless positive proof of the death of said Baker shall be produced. Upon the production of such proof, the county judge shall be authorized to order a distribution at any time the proceeds of said estate, or any part thereof, may be in a condition to be distributed.

§ 6. This act shall take effect and be in force from and after its passage.

Approved March 11, 1859.

CHAPTER 87.

AN ACT to amend the act entitled "an act to incorporate the Lisbon and Milwaukee Plank Road Company," approved, February 2, 1846, and the several acts in addition thereto.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Authority to sell road, &c. SECTION 1. The Madison, Watertown and Milwaukee plank road company are hereby authorized and empowered to sell and convey or lease to any person or persons, or corporation, any portion or portions of their road, heretofore constructed, and to discontinue or change any part or portion or portions of said road, whenever a majority of the board of directors of said company shall vote so to do at any regular or special meeting of said board, *Provided*, said vote shall be passed within six months from the time this act shall take effect and be in force.

Powers, &c. § 2. Any person or persons or corporation to whom any portion of said road may be sold or leased, in accordance with the provisions of the foregoing section,

may exercise and enjoy all the rights, powers, and franchises in the ownership and management of such portion of said road conferred by law upon said company, in the same manner and to the same extent as said company might exercise and enjoy, the same as if such sale or lease had not been made.

Change of location.

§ 3. Said company, for the purpose of changing the location of any part or portion of their road, are hereby authorized and empowered to discontinue any portions thereof, and to re-locate and construct the same upon any public highway in the city of Milwaukee, now existing between the termini of the portions so discontinued.

Rates of toll.

§ 4. Said company are hereby authorized and empowered, at their toll gate, situated nearest to the city of Milwaukee, to demand and receive from all persons passing through such gate, toll, at the rates established by law, for the whole distance to or from the eastern terminus of the road in addition to the amount of toll they are entitled to demand and receive from such persons for travel on that portion of their road lying west of said toll gate. *Provided*, nevertheless, that said company shall not be entitled to demand and receive from any person residing west of said toll gate, and within one mile thereof, a greater amount of toll than now provided for by law.

§ 5. This act shall take effect and be in force from and after its passoge.

Approved, March 11th, 1859.

CHAPTER 88.

AN ACT to amend the charter of the Fox River Valley Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name changed.

SECTION 1. The name of the "Fox River Valley Railroad Company" is hereby changed to the "Milwaukee and Northern Illinois Railroad Company" by which last name said company shall hereafter be known and recognized for all purposes, in all courts and in all places.

Construction of act, &c.

§ 2. Nothing in this act shall be construed, to release any stockholder from his or her subscription to

CHAPTER 89. the capital stock of the company heretofore made, but all money which shall be hereafter paid on subscriptions made to said Fox River Valley railroad company, or which shall be realized on securities given or to be given, shall be received and receipted for in the name of said Milwaukee and Northern Illinois railroad company, and shall be faithfully and exclusively applied by said Milwaukee and Northern Illinois railroad company, the same as under the old title, to the construction of said company's line of road from Milwaukee to the state line, at the point designated in said charter and all holders of stock of said Fox River Valley railroad company, shall upon presentation of the same, at the office of the company, be entitled to receive in exchange, certificates of stock under the new title, and the said company, as at present organized, are hereby authorized under the said title of the Milwaukee and Northern Illinois railroad company, to use all the rights priviliges and immunities contained in their charter as the Fox River Valley railroad company.

Directors. § 3. From and after the next annual meeting of the stockholders of said company, the number of directors of said company shall be reduced from thirteen to nine.

Repealed. § 4. Section ten of the act, entitled "an act to incorporate tha Fox River Valley Railroad Company," approved March 29, 1853, is hereby repealed.

Publication of notice. § 5. It shall not be necessary hereafter, to publish in a newspaper in Waukesha county, any notice or notices which are by the charter of said railroad company, required to be published.

§ 6. This act shall take effect and be in force from and after its passage.

Approved March 11, 1859.

CHAPTER 89.

AN ACT to amend an act, entitled "an act to incorporate the city of La Crosse," approved March 14, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. Subdivision twenty-nine (29) of section three (3) of chapter four (4) of the act entitled "an act to incorporate the city of La Crosse," approved March

14, 1856, is hereby amended, by adding to the same the following words:—"also to change the name of any street in said city."

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1859.

CHAPTER 90.

AN ACT to authorize the Second Ward Cemetery Association of the city of Milwaukee to sell and convey a certain portion of their land.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to sell and convey land.

SECTION 1. The Second Ward Cemetery Association of the city of Milwaukee is hereby authorized and empowered to sell and convey so much of the west part of lot six of the subdivision of the south-west quarter of section No. nineteen (19), in township seven (7) north, of range twenty-two (22) east, heretofore conveyed to said association by William Ferdinand Otto and Caroline, his wife, as is not yet sold and conveyed for burial purposes, not exceeding, however, the west two hundred and seventy feet of said lands.

Deeds, &c.

§ 2. The lands may be sold entire or in convenient parcels at public or private sale, and for such consideration or considerations as the said association by a majority of their members may resolve and agree upon.

§ 3. The trustees of said association are hereby authorized and empowered to execute to the purchaser or purchasers, under the seal of the corporation, such deed or deeds of warranty, quit claim or otherwise, as may be agreed upon.

Proceeds—how to be applied.

§ 4. It shall be the duty of said association to apply all the proceeds arising from said sale or sales to the payment of a certain mortgage covering the whole of said lands, and given to William Ferdinand Otto, for securing the balance of the purchase money.

Repealed, &c.

§ 5. This act shall be supplementary to an act, entitled "an act to incorporate the Second Ward Cemetery Association, in the city of Milwaukee," approved February 3, 1854, and so much of said last act as is contradictory to the present act is hereby repealed, and the restriction under which said lot No. six (6) was held by

said association only for burial purposes shall not apply to the above mentioned west two hundred and seventy feet thereof, which may be sold and convered and be had and holden by the purchaser or purchasers, for themselves, their heirs and assigns forever.

Approved March 11, 1859.

CHAPTER 91.

AN ACT to authorize the alteration or vacation of parts of a Territorial road in the towns of Vernon and Mukwanego in the county of Waukesha.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners

SECTION 1. Ira Blood, Jacob Beebe and Sewal Andrews are hereby appointed commissioners to vacate or alter such part of the territorial road leading from Milwaukee to Janesville as lies in the towns of Vernon and Mukwanego, in the county of Waukesha.

Duty of Commissioners.

§ 2. The said commissioners shall make return of their acts to the town clerks of said towns, who shall record the same, and when so recorded they shall be and remain to all intents and purposes town roads. *Provided*, That no expense in laying out, altering or recording said road shall be made to the towns aforesaid, the county or state.

Approved March 11, 1859.

CHAPTER 92.

AN ACT to amend chapter seventy of the private and local laws of 1856, entitled "an act to incorporate the Wisconsin and Lake Superior Mining & Smelting Company," approved February 29, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section two of chapter seventy of the private and local laws of 1856, entitled "an act to incorporate the Wisconsin and Lake Superior Mining and Smelting Company," approved February 29, 1856,

is hereby amended by striking out the words "one thousand shares of five hundred dollars each, with the privilege of increasing the same one thousand," where they occur in said section, and inserting in their place the words "five thousand shares of one hundred dollars each, with the privilege of increasing the same five thousand."

Amendment.

§ 2. Section three of said chapter is hereby amended, by striking out the word "five," where it occurs in said section, and inserting the word "seven" in its place; and also by striking out the word "three," where it occurs in said section, and inserting the word "four," in its place.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1859.

CHAPTER 93.

AN ACT to permit the Boards of Supervisors of the several towns in the County of Waukesha to lay out and open highways of the width of three rods.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to lay out highways.

SECTION 1. The boards of supervisors of the several towns in the county of Waukesha are hereby authorized and empowered, whenever application is made to them, to lay out and open any highway in their respective towns to cause the same to be laid out and opened, of the width of three rods, whenever in their judgment the interests of the public will be thereby subserved.

How laid out.

§ 2. Said highways shall be laid out in accordance with the provisions of chapter 19 of the revised statutes, which chapter is hereby declared to be applicable to them in all respects except as to the width aforesaid.

§ 3. This act shall be printed and take effect immediately after its passage.

Approved March 11, 1859.

CHAPTER 94.

AN ACT to amend an act to incorporate the village of Horicon, approved March 29th, 1855.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Taxes for highway purposes.

SECTION 1. All taxes for highway purposes in said village shall as to the amount thereof be determined by the board of trustees of said village, which amount shall not be less than two mills on the dollar per annum, and the amount so determined shall be certified by the clerk of said board of trustees to the road commissioners of the town of Hubbard, and collected as now provided by law.

School District No. 1.

§ 2. All the territory included within the village of Horicon shall constitute a part of school district number one of the town of Hubbard.

General and special taxes, &c.

§ 3. All general and special taxes of said village shall be levied on the last annual assessment for grading streets and laying side walks shall be levied as now provided by law; and when any special warrant for any such assessment shall be returned to the clerk of said village he shall certify the amount of uncollected assessments on such warrant with the premises and persons, where known, against which they are levied as they appear upon such warrant to the clerk of the town of Hubbard, who shall put them upon the next annual assessment roll of the town of Hubbard, and such assessment shall then be collected and enforced in the same manner as other taxes on said roll and when paid or collected shall be paid over to the treasurer of said village or to the person entitled to receive the same.

License moneys, &c.

§ 4. All fines and forfeitures imposed, enforced and collected under and by virtue of any by-law or ordinance of said village, and all moneys received for licenses shall be paid over to the treasurer of said village for the use and benefit of said village.

Supervisor.

§ 5. The president of said village or some one member of the board or trustees of said village, to be designated by said board of trustees, shall ex officio be a member of the board of supervisors of the county of Dodge, and also a member of any county board of equalization of taxes of said county with all the powers of members of such boards.

§ 6. All acts or laws inconsistent or conflicting with the provisions of this act are hereby repealed, and of none effect so far as the said village of Horicon is concerned. Repealed.

Approved March 11, 1859.

CHAPTER 95.

AN ACT to amend an act entitled an act to incorporate the city of Ripon, approved March 20th, 1858, and to legalize the acts of certain officers of said city.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The elective officers of each ward in said city of Ripon shall be three aldermen, one justice of the peace, and one assessor. Elective officers

§ 2. Section 5 of chapter 4 of said act is hereby amended by adding thereto the following words: "which the marshal shall forthwith abate when ordered so to do by the mayor." Amendment.

§ 3. Section 2 of chapter 5 of said act is hereby amended so that it will read: "application will be made to the mayor of the city of Ripon," instead of "application will be made to the Judge of the Circuit Court of Fond du Lac county," and whenever thereafter in said chapter the word "Judge" occurs, it shall read "mayor." Ibid.

§ 4. Section 9 of chapter 7 of said act is hereby amended so as to read, "the first Monday of September, in each year," instead of "the first Monday of July in each year." Ibid.

§ 5. The annual charter election of the city of Ripon shall be held on the same day on which the annual town elections are now or may hereafter be established by law, and the official year shall commence one week thereafter. Charter election.

§ 6. The acts of the common council, assessor and clerk of said city, in relation to the assessment and collection of the general tax in said city for the year 1858, are hereby declared to be legal and valid. Acts declared valid.

§ 7. The common council of the city of Ripon are hereby authorized and empowered to vacate and discontinue any street or part of street within the limits of said city, if in their opinion the public good will be Power of Common Council.

CHAPTER 96. promoted thereby, *Provided*, two thirds of the owners of lands abutting on said street or part of street, shall petition for such discontinuance in writing.

§ 8. This act shall take effect and be in full force from and after its passage.

Approved March 11, 1859.

CHAPTER 96.

AN ACT to amend an act, entitled "an act to incorporate the City of Beaver Dam," approved March 18, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Justices of the Peace—powers and duties.

SECTION 1. The justices of the peace provided for in this act, shall hold their offices in the ward for which they are elected, and shall have the same rights, powers and jurisdiction as justices of the peace elected in towns; and shall have jurisdiction to hear all complaints, and conduct al examinations and trials in criminal cases within the city, cognizable before a justice of the peace; and try all offences against the ordinances of the city, and said justices shall have sole jurisdiction in all cases of offences against the ordinances of said city, and defendants in criminal cases shall have the same right of appeal as provided by law; and in all cases of fines under the ordinances, defendants shall have the right to an appeal under the same provisions and requirements, as now are or may be provided for taking appeals from justices of the Peace, and that all powers and duties heretofore given to the police justices by section twelve, (12) chapter three, (3) of the original charter of said city, be and are hereby conferred upon and required of the several justices of the peace, now or hereafter to be elected in said city.

Reports of Justices.

§ 2. On the first Mondays of April, July, October and January, in each year, every justice of the peace before whom any proceedings have been had under this act, shall report to the city council the names of all persons brought before him under this act, for what cause, the final disposition of the complaint, the amount of costs which have accrued upon each complaint chargeable to the city, (if any) to whom such costs are payable, and the amount of fine received by him in each case.

§ 3. The following, or equivalent forms may be used in proceedings under this act, or in proceedings for any violation of the charter, or any ordinance of said city: CHAPTER 96. Forms.

[FORM OF COMPLAINT.]

State of Wisconsin, }
Dodge County, } ss,
City of Beaver Dam. } A. B., being duly sworn, and examined makes complaint, and says, that in said city, on the day of , A. D., eighteen hundred and fifty , one C. D., was guilty of (here state the nature of the offence) in violation of law, and prays that the said C. D. may be apprehended to answer therefor. Complaint.

A. B.

Subscribed and sworn to before me this day of , eighteen hundred and fifty

, Justice of the Peace.

Upon such complaint being filed with the justice, he may issue a warrant for the apprehension of the party complained of, which warrant may be in the following form; *Provided*, always, That in any case where an offender may have been arrested without warrant the said justice may proceed upon the complaint alone.

[FORM OF WARRANT.]

State of Wisconsin, }
Dodge County, } ss.
City of Beaver Dam. } To the Marshall of the city of Beaver Dam, or any of his deputies. Warrant.

Whereas, A. B., has this day complained to me in writing, on oath, that in the said city, on the day of , A. D., eighteen hundred and fifty , one C. D. was guilty of (here state the nature of the offence.) Now, therefore, in the name of the State of Wisconsin, you are hereby commanded to arrest the said C. D., and bring him before the undersigned, one of the justices of the peace of said county, to answer to the said complaint, and to be dealt with according to law. Given under my hand, this day of , A. D., eighteen hundred and fifty .

E. T., Justice of the Peace.

§ 4. All of the general provisions of law, concerning the trial of criminal offences, the fees of officers and proceedings in which, upon the trial, the justice General provisions of law.

CHAPTER 96. finds he has not final jurisdiction of the cause shall govern trials under this act, unless otherwise provided in this act; *Provided*, That in all convictions under this act where a punishment for the offence is prescribed in the general statutes of this state, or in any ordinance of said city, the penalty so prescribed by such statutes, or ordinances, shall be imposed upon the person so convicted; the city attorney, or such other person as the city council may designate, shall appear on behalf of the city, in all suits or proceedings under this act, or in any other suit in which this city is interested.

Amendment—duty of Marshal.

§ 5. Section seven (7) of chapter three (3) of said act, is hereby so amended as to read as follows: The Marshal shall perform such duties as shall be prescribed by ordinance for the preservation of the public peace and the collection of fines and license moneys; he shall possess the power of constable at common law or by the laws of this state, and receive like fees; he shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties, and all writs and process issued by any justice within said county, directed to any constable therein, shall be deemed as if also directed to said Marshal.

Ibid.

§ 6. It shall be the duty of the Marshal of the city of Beaver Dam, and he is hereby authorized and required to summarily arrest, and take before any justice of the peace of said city, any person who shall be found within the corporate limits of said city in a state of intoxication, or who shall be guilty of any boisterous revelry or obscenity, or of any breach of the peace, by making any improper noise or disturbance, or by firing guns, or fighting, or threatening to fight, or in any other manner, or who shall be engaged in violating any ordinance of said city, made for the preservation of the peace, and good order thereof; and such justice shall have power to hear, try and determine all such offences, and any person convicted of any offence specified in this act, where no other punishment is specified by law, or by any ordidance of said city, shall be punished by fine of not less than three dollars, nor more than fifty dollars, or by imprisonment in the county jail or city lock up not less than three days, nor more than fifty days, in the discretion of the justice, and in all cases, the justice may impose the payment of the

costs of prosecution upon the person so convicted, as a part of the punishment; and in default of payment of any such fine or costs, the justice shall commit the defendant to such county jail or lock-up, for such number of days, not exceeding thirty, nor less than five, as he may think proper; but in case any person shall be committed for non-payment of any such fine or costs, he shall be discharged upon paying the same, together with the cost and expenses of his imprisonment to the sheriff or other officer having charge of such jail or lock-up.

Process.

§ 7. Any person making any arrest under the provisions of this act, may if necessary, commit the person arrested to such jail or lock-up without process, and such person shall be delivered up to such officer by the keeper of said jail or lock up on demand and without process; *Provided*, That if such officer does not demand the person so committed within twenty-four hours, (Sundays excepted) after such committal, the officer having charge of such prison shall discharge the person so arrested, from confinement.

Fines—City Treasurer.

§ 8. All fines collected in pursuance of this act, shall be paid into the city treasury by the person receiving the same, immediately after the receipt thereof, for the use of said city, and said city shall be liable for all costs and expenses arising in proceedings under this act, which are not imposed upon and paid by the defendant, except where such costs are imposed on the complainant, upon the justice certifying said complaint was wilful and malicious.

Powers of Common Council.

§ 9. The common council shall have power to cause all out or in lots or lands within said city, that have not been platted and recorded by the owners thereof, as required by law to be platted and recorded, by authority of said council, and to tax the charges for said services against said lot, lots, or lands, so platted and recorded to be collected the same as other corporate or general taxes.

Repealed.

§ 10. Subdivision twenty-seven (27) of section thre (3) of chapter four (4) is hereby repealed.

Amendment—Street Commissioner.

§ 11. Section four of chapter six of an act entitled an act to incorporate the city of Beaver Dam, approved March 18th, 1856, is amended by section 6 of an act approved March 2d, 1857, is further amended as follows: And such street commissioner shall have power to require every resident of said city, liable to work on highways

CHAPTER 96. by the laws of this state, to perform one day's labor of ten hours each year on the streets in such city, or to pay in money, in lieu thereof, one dollar; and in case any such person or persons shall neglect or refuse to perform such labor at such time and place as such commissioner shall direct within the ward in which such person may reside, or shall neglect or refuse to pay said sum of one dollar, for a space of three days after demand thereof, made by such commissioners, either personally, or by written demand left at the place of abode of such person, then said street commissioner shall issue a warrant, signed by him, directed to the marshall of said city, embodying therein, the name or names of such delinquent or delinquents, and requiring said marshal to collect from the person or persons therein named the sum or sums due from such person or persons for such poll tax within the time limited by law, and to make due returns thereof to such commissioner, within twenty days after receiving such warrant, and the said marshall shall have the same powers, and proceed in the same manner, and shall receive the same fees, and be subject to the same liabilities in the collection of such sums of money, upon said warrant, as are given to and provided for overseer of highways by chapter 19 of the revised statutes of this state, and which money, when collected, shall be expended in improving or repairing the streets of the respective wards in which such delinquent or delinquents reside.

Poll tax.

Repealed.

§ 12. So much of sections eighteen and nineteen, of chapter seven, as related to returned lands for taxes, is hereby repealed, and so much of section seventeen of chapter seven, as states, "which shall be in full for services performed by said treasurer under this act," is hereby repealed.

Non-payment of taxes—duty of Treasurer.

§ 13. In all cases of non payment of taxes upon lots or real estate in said city, in the manner now required by law, it shall be the duty of the treasurer of said city, to proceed in accordance with the provisions of existing laws relating to the sale of lands for delinquent taxes in the several counties of this state, to advertise and sell all delinquent lots and lands within the limits of said city, in the same manner as other lands are sold in said county of Dodge, and the said sale shall in all cases be made for the smallest undivided portion of said lot or tract of land for which any person will take the same and pay the taxes and charges thereon.

On receiving the amount of such taxes and charges, the treasurer shall issue to the purchaser, his or her assigns or heirs, a certificate containing the name of the purchaser, and a description of the premises sold, the amount paid therefor, the rate of interest the same may bear, and time when the right to redeem the same will expire. Said treasurer shall immediately after the close of any such sale of lots or lands for taxes, deposite in the office of the clerk of said city, all affidavits, notices, and papers, in relation to such tax sale, to be filed in the office of said clerk; also a statement containing a particular description of each lot or parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and the name of the owner or owners if known; and the said treasurer and clerk shall record such statement in a book kept for that purpose by each of them, in their respective offices, and all sales so made, and the certificates so issued by the treasurer of said city, shall have the same validity and effect as if made by the county treasurer of said county.

Tax sale.

§ 14. If, at any sale of real or personal estate for taxes or assessment, no bid shall be made for any parcel of land or lot, or any goods and chattels, the same shall be struck off to said city, and thereupon the city shall receive, in its corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the city shall become the purchaser of any personal property by virtue of this chapter, the treasurer shall have power to sell the same at public sale; and in case the city shall become the purchaser of any real estate at any tax sale, the treasurer is hereby authorized to sell the certificates issued therefor for the amount and interest, and to endorse and transfer such certificate to the purchaser.

Ib.—When no bid is made.

§ 15. In case any purchaser at such tax sale shall neglect or refuse to pay the amount for which any lot or parcel of land was sold at such time as the treasurer shall designate, he shall, on the day following, offer said lot or parcel of land again for sale, and any person bidding off at such sale any lot or part of lot or parcel of land and neglecting or refusing to pay for the same within the time designated, shall forfeit and pay to the city the sum of five dollars for each lot or part of lot so purchased and not paid for, which may be sued for and collected in the same manner as other penalties under the act to which this act is amendatory.

Ib.—Refusal to pay purchase money.

CHAPTER 94.

Redemption of lands sold for taxes.

§ 16. Any lot or part of lot or parcel of land so sold, or any portion thereof, may be redeemed within three years from the day of sale, and at any time before the deed is executed, by the owner or any person interested therein, paying to the city treasurer the amount for which the same was sold, together with the interest at the rate of twenty-five per cent. per annum, and legal charge thereon. And the said treasurer shall deliver to the person making the same, duplicate receipts for such payment, signed by him, specifying therein the parcel or parcels of land on which such taxes were paid, the amount paid on each parcel, the time of payment and the name of the person paying the same; and the treasurer shall also enter on the list kept by him, opposite the parcel or parcels of land on which such taxes shall be paid, the name of the person paying such tax, the sum paid therefor and the time when paid. The person to whom such duplicate receipts are given, shall present them to the city clerk, and thereupon said clerk shall countersign one of said receipts and return it to the person entitled thereto, and retain the other and safely keep the same in his office. The said clerk shall also make the same entries on the list of lands kept by him, as are required to be made by the treasurer. No receipt signed by the treasurer for the payment of taxes as specified in this section, shall be any evidence of the payment of such taxes in the hands of any person except the city clerk, unless the same shall first be countersigned by such clerk.

Deed of lands sold, &c.

§ 17. Any lot or parcel of land sold in pursuance of the provisions of this act, or any part thereof, which shall not be redeemed within the time limited by this act, the city clerk shall, after the expiration of the time hereby prescribed for the redemption thereof, and on the presentation to him of the treasurer's certificate of sale, execute, in the name of the city, as such clerk, under his had and the seal of the city, to the purchaser, his heirs or assigns, a deed of the land so sold and unredeemed as aforesaid, and shall acknowledge the same. An abstract of all the deeds so made and deliverd shall be entered by the clerk in the book where tax sales are recorded. A fee of one dollar may be charged by the clerk for every deed so issued, which deed shall vest in the grantee an absolute estate in fee simple in such land, subject, however, to all unpaid taxes and charges, which

are a lien thereon, and such deed, duly witnessed and acknowledged, shall be prima facie evidence in all controversies and actions in relation to the right of the purchaser, his or her heirs or assigns, to the premises thereby conveyed.

Title to land.

§ 18. In all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation or assessment at the date of the assessment of said tax or making said assessment, that the taxes or assessment had been paid, that the land had never been assessed for taxation or assessment, or that the same had been redeemed according to the provisions of this act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of this state. But no person shall be permitted to question the title acquired by the said deed without first showing that he, she or they, or the persons under whom he, she or they claim title, had title to the land at the time of the sale, and that all the taxes and assessments due upon the lands have been paid by such person or persons under whom he, she or they claim title as aforesaid.

Compensation of Treasurer.

§ 19. The treasurer of said city shall receive for such services the same fees and compensation as is now allowed and paid to the county treasurer for the same or similar services; and it is hereby declared to be the meaning and intent of this act to confer all the powers and duties of treasurer of the county of Dodge, so far as relates to selling lots and lands for taxes within the city of Beaver Dam, upon the treasurer of said city.

CHAPTER II.

SCHOOL LAW OF THE CITY OF BEAVER DAM.

School district.

SECTION 1. The school districts and parts of districts within the corporate limits of the city of Beaver Dam, together with the southeast quarter of northeast quarter of section three, town eleven, range fourteen, and northwest quarter of northwest quarter of section two, town eleven range fourteen, and the west part of west half of southwest quarter of section two, town eleven range fourteen, are hereby consolidated and shall hereafter constitute one district, for the better regulation and management of the public schools in said city.

CHAPTER 96.

Commissioners, Superintendent, &c.

§ 2. There shall be elected, at the next charter election after the passage of this law, from each ward two commissioners of common schools for said city, who shall be residents of the ward for which they are elected. There shall also be elected one superintendent of schools, (who shall hold his office for one year), for the city at large. The persons so elected shall, within ten days after their election, take the oath of office prescribed by the constitution of the state, and file the same with the city clerk.

Classification.

§ 3. Within ten days after their election, as in the last section mentioned, said commissioners shall meet at the room of the common council in said city, and cause the said commissioners so chosen to be divided into two classes, by lot, to be denominated the first and second classes. The term of office of the first class shall expire at the end of one year from the election; the second at the end of two years.

Election of Superintendents, &c.

§ 4. There shall, in like manner, in each year thereafter, at the annual charter election in said city, be elected one superintendent of schools for the city at large, one commissioner of schools in each ward in said city, to supply the place of those whose term of office is about to expire. Said commissioners shall hold their office for two years, and until their successors are elected and have taken the oath of office. In case this law is not in force until after the next charter election, the city council shall appoint two commissioners of schools from each ward, who shall hold their office until next charter election; they shall also appoint one superintendent of schools. And the city council of said city may make appointments of commissioners of common schools to fill vacancies which may occur from any cause other than the expiration of the term of office of those elected. The commissioners so appointed shall hold their office until the next charter election.

Removals.

§ 6. Any commissioner of common schools in said city may be removed from office for official misconduct by the city council thereof, by a vote of two-thirds of the members thereof, but said commissioner shall be granted a full and fair hearing before removal.

Board of Education.

§ 7. The commissioners of common schools in said city, together with the superinteudent of schools, shall constitute a board, to be styled the board of education of the city of Beaver Dam, which shall be a corporate body in relation to all the powers and duties conferred

on them by virtue of this act. The superintendent of schools shall be chairman of said board, and whenever he shall be absent a president pro tempore may be appointed, but such president shall have only a casting vote. A majority of the board shall form a quorum. They shall appoint a clerk from their own body, and fix his compensation, and he shall hold his office during the pleasure of the board. The said commissioners shall receive no compensation for their services.

Clerk of Board.

§ 8. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record, or a transcript thereof, certified by the superintendent and clerk, shall be received in all courts as prima facie evidence of the facts therein set forth, and such record, and all the books and accounts of said board, shall at all times be subject to the inspection of the city council, and of any committee thereof.

School tax.

§ 9. The city council of the said city shall have the power, and it shall be their duty to raise, from time to time, by tax upon the real and personal estate in said city. which shall be liable to taxation for the ordinary city taxes, or for city or county charges, in addition to the amount of school moneys now or hereafter appropriated or provided by law for common schools in said city, such sums as may be determined and certified by the said board of education to be necessary or proper for any or all of the following purposes:

1st. To purchase, lease, or improve sites for school houses.

2d. To build, purchase, lease, enlarge, alter, improve and repair school houses, and their out houses and appurtenances.

3d. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages; but the power herein granted shall not be deemed to the furnishing class, or text books for any scholar whose parents or guardian shall be able to furnish the same.

Contingent expenses.

4th. To procure fuel and defray the contingent expenses of the common schools, and the expenses of the district library of said city.

Teachers' wages, &c.

5th. To pay the wages of teachers due after the application of the public moneys, which may by law be appropriated and provided for that purpose; *Provided*, nevertheless, that no tax shall be laid for such purpose oftener than once in each year, and, *Provided, also*,

CHAPTER 96. that the amount to be raised for teachers wages, and for contingent expenses in any one year, shall in no case exceed three dollars for each person that draws public money, nor less than one dollar and fifty cents, that the amount to be raised in any one year, for buying sites and erecting and repairing school houses and the appurtenances, shall not exceed one thousand dollars.

School taxes.

§ 10. The city council shall cause the tax or taxes herein provided for, to be levied and collected annually on all such real and personal property or capital of any kind within said city, as is subject to taxation by the laws for levying taxes for the state, for the time being; said taxes to be levied and collected in the same manner as annual taxes are levied and collected in said city.

School moneys.

§ 11. All moneys to be raised pursuant to the provisions of this act, and all school moneys by law appropriated to, or provided for said city, shall be paid to the treasurer of said city, who, together with the sureties of his official bond, shall be accountable therefor, in the same manner as for other moneys, of said city. The said treasurer shall also be liable to the same penalties for any official misconduct in relation to the said moneys, as for any similar misconduct in relation to the other moneys of the city.

School moneys —duty of Treasurer.

§ 12. After the passage of this act, the treasurer of said city shall not pay out any moneys in his hands, received by said city, either as school moneys or collected or received by virtue of any of the provisions of this act, excepting upon an order drawn upon him and signed by the superintendent and clerk of said board of education, and no such order shall be drawn except by virtue of a resolution of the said board.

Official misconduct.

§ 13. The said board may cause a suit or suits to be prosecuted in the name of the city of Beaver Dam, upon the official bond of the treasurer, or of any collector of said city, for any default, delinquency or official misconduct, in the relation to the collection, safe keeping or payment of any moneys in this section mentioned.

Powers of Board.

§ 14. The said board shall have power, and it shall be their duty

1st, To establish and organize such, and so many schools in the several wards of the city, (including the common schools now existing therein) as they shall deem requisite and expedient, and to alter and discontinue the same.

2d. To purchase or hire school houses, and rooms, and lots, and sites for school houses, and to fence and improve them as they deem proper, *Provided*, The amount necessary has been appropriated by the common council of said city.

3d. Upon such lots, and upon any sites now owned by said city, to build, enlarge, alter, improve and repair school houses, they may deem advisable.

4th. To purchase, exchange, improve and repair school apparatus, books for indigent pupils, furniture and appendages, and to provide fuel for the schools, and defray their contingent expenses, and the expenses of the district library.

Books, furniture, &c.

5th. To have the custody and safe keeping of the the school houses, out-houses, books, furniture and appendages, and to see that the ordinances of the city council in relation thereto, are observed.

6th. To contract with, and employ all teachers in the common schools and the high schools, who shall have been licensed by the superintendent, and at their pleasure to remove them.

Teachers' wages.

7th. To pay the wages of such teachers out of the school moneys, which shall be appropriated and provided in said city, so far as the same shall be sufficient, and the residue thereof from the money authorized to be raised for that purpose, by section nine of this chapter, by tax upon the city.

Compensation of Clerk, &c.

8th. To defray the necessary contingent expenses of the board, including the salary of the clerk: *Provided*, That the account of such expenses shall be first audited and allowed by the city council.

Management of schools, &c.

9th. To have in all respects the superintendence, supervision and management of the common schools in said city, and from time to time, to adopt, alter, modify, and repeal, as they may deem expedient, rules and regulations, for their organization, government and instruction, for the reception of pupils and their transfer from one school to another, and generally for their good order, prosperity and public utility.

10th. Whenever, in the opinion of the board, it may be advisable to sell any of the school houses, lots or sites, or any of the school property, now or hereafter belonging to the city, to report the same to the city council.

Ordinances, &c.

11. To prepare and report to the city council such ordinances and regulations as may be necessary or pro-

CHAPTER 96.

per for the protection, safe keeping, care and preservation of school houses, lots and sites, and appurtenances, and all the property belonging to the city, connected with, or appertaining to the schools, and to suggest proper penalties for the violation of such ordinances and regulations; and annually to determine and certify to said city council the sums in their opinion necessary or proper to be raised under the ninth section of this chapter specifying the sums required for each of the purposes therein mentioned, and the reason therefor.

12th. To provide for the payment of any adjoining school district, the proper amount to which it may be entitled on account of such district, in whole or in part, having been connected with territory now included in said city.

Non-residents.

§ 15. The said board of education shall have power to allow the children of persons not residents within the city, to attend any of the schools of said city, under the care and control of said board, upon such terms as such board shall by resolution prescribe, fixing the tuition that shall be paid therefor.

§ 16. It shall be the duty of said board in all their expenditures and contracts to have reference to the amount of moneys that shall be subject to their order during the then current year, for the particular expenditure in question, and not to exceed such amount.

District library, &c.

§ 17. The said board of education shall be trustees of the district library in said city, and all the provisions of law which now are or may hereafter be passed, relating to district school libraries, shall apply to the said board in the same manner as if they were trustees of an ordinary school district; they shall also be vested with the discretion as to the disposition of the moneys appropriated by any law of the state, for the purchase of libraries, which is therein conferred upon the inhabitants of school districts. It shall be their duty to provide a library room and the necessary furniture therefor, and appoint a librarian; to make all purchases of books for the said library, and from time to time to exchange or cause to be repaired, the damaged books belonging thereto.

Annual statement.

§ 18. It shall be the duty of the said board, at least fifteen days before the annual election for commissioners in each year, to prepare and report to the city council, true and correct statements of the receipts and disbursements of moneys under and in pursuance of

the provisions of this act, during the preceeding year, in which account shall be stated under appropriate heads;

1st. The moneys received by the city council under the ninth section of this chapter;

2d. The school moneys received by the treasurer of the city from the county treasury;

3d. Moneys received by direct tax;

4th. All other moneys received by the treasurer, subject to the order of the board, specifying the sources;

5th. The manner in which such sums of money shall have been expended, specifying the amount paid under each head of expenditure; and the city council shall ten days before such election, cause the same to be published in at least one of the newspapers published in said city.

State Superintendent.

§ 19. The said board shall be subject from time to time to the rules and regulations made by the State Superintendent of common schools, so far as the same may be applicable to them, and not inconsistent with the provisions of this act.

Duties of Superintendent.

§ 20. The superintendent shall be the executive officer of the board of education, shall examine all teachers making applications for schools (examination to be public, and in the presenee of the board) shall grant certificates to such persons so examined, as shall be deemed by him and a majority of the board suitably qualified, and shall carry into effect the ordinances of the city council, and the rules and regulations of the board in reference to the common schools; he shall also be specially charged with the care and custody of the several school houses of the city, and under the direction of the board, shall superintend the building, enlarging, improving, furnishing and repairing of all the school houses ordered to be erected by them, and the making of all repairs and improvements on and around the same. In addition to the foregoing duties, he shall visit the common schools of the city at least twice during each term, and report their condition to the board, with such suggestions for their improvement as he may deem proper; he shall also perform such other duties with respect to such schools as the board may assign him; the amount of his compensation shall be determined by the city council, and the manner of its payment.

CHAPTER 96.

Superintendent's report.

§ 21. It shall be the duty of the superintendent, between the first and fifteenth days of October, in each year, to make and transmit to the clerk of the board of supervisors of the county, a report in writing, bearing date on the first day of October, in the year of its transmission, stating:

1st. The number of schools taught within the city, and the length of time they have been taught by qualified teachers;

2d. The total amount of public money received for the use and benefit of public schools;

3d. The number of children taught in the common schools of the city, and the number of children residing in the city, over the age of four and under the age of twenty years;

4th. The manner in which the public moneys have been expended, and whether any, and what part, remains unexpended, and for what cause;

5th. The amount of money raised in the city, and paid for teachers wages, in addition to the public money raised therefor, the amount of taxes raised for the purchasing, repairing and insuring school houses, for the purchase of school house sites, for building, hireing, for fuel, for district libraries, or for any purpose allowed by law in said city, since the date of the last preceding report, with such other information as the state superintendent may from time to time require.

Powers and duties of Council.

§ 22. The city council of the said city shall have the power, and it shall be their duty, to pass such ordinances and regulations as the board of education may report as necessary and proper, for the protection, safe keeping, care and preservation of the school houses, lots, sites and appurtenances and all necessary property belonging to, or connected with the schools in said city, and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in the act of incorporation of said city; and all such penalties shall be collected in the same manner that the penalties for a violation of the city ordinances are by law collected, and when collected, shall be paid to the treasurer of the city, and be subject to the order of of the board of education in the same manner as other moneys raised pursuant to the provisions of this act.

Sale of school property.

§ 23. Whenever the said board shall report to the city council that it is advisable to sell any of the school houses, lots, or sites, or any of the school pro-

perty now or hereafter belonging to the city, it shall be the duty of the city council to sell the same without unreasonable delay, and upon such terms as the city council may deem advisable. The proceeds of all such sales shall be paid to the city treasurer, and shall be subject to the order of said board, to be expended by them, in purchase, leasing, repairs, or improvements of other school houses, lots, school furniture, apparatus or appurtenances.

Title of school property.

§ 24. The title of the school houses, sites, lots, furniture, books, apparatus and appurtenances, and all other property in this act mentioned, shall be vested in the city of Beaver Dam, and the same, while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever, and the said city in its corporate capacity, shall be able to take, hold and dispose of any real or personal estate transferred to it by gift, grant, bequest, or devise, for the use of the common schools of the said city, whether the same shall be transferred in terms to said city, by its proper style, or by any other designation, or to any person or persons, or body, for the use of said schools.

School moneys.

§ 25. All moneys required to be raised by virtue of this act, on being raised as herein provided, shall be held by the treasurer of said city, and by him placed to the credit of said board of education, and shall be drawn out in pursuance of a resolution or resolutions of said board, by drafts drawn by the superintendent and countersigned by the clerk of said board, payable to the person or persons entitled to receive such moneys, and the said treasurer shall keep the funds authorized by this act to be received by him, separate and distinct from any other fund that he is or may by law be authorized to receive.

Notice of election.

§ 26. It shall be the duty of the clerk of the city, immediately after the election of any person as commissioner of common schools, personally to notify him of his election; and if any such person shall not within ten days after receiving such personal notice of his election, take and subscribe the constitutional oath, and file the same with the clerk of the said city, the city council may consider it a refusal to serve, and proceed to supply the vacancy occasioned by such refusal.

§ 27. The present school officers of the several dis-

CHAPTER 97.

Present school officers.

tricts referred to in the first section of this act, shall continue in office until the unfinished business of said district shall have been closed up and settled, with all the powers and duties now by law imposed upon them for the purpose of closing up such unfinished business, which shall be done with as little delay as possible.

§ 28. No person in the city of Beaver Dam, engaged in teachihg any of the schools of said city, shall be eligible to the office of commissioner of common schools, in any of the several wards of said city, and no member of the board of education, shall be employed to teach any of the schools of said city.

Repealed.

§ 29. Chapter eight of the original charter of the city of Beaver Dam is hereby repealed.

Election postponed.

§ 30. The election for city and ward officers for the city of Beaver Dam, which is now by law required to be held on the second Monday of March, is hereby postponed to the first Tuesday of April in each and every year, and all the elective officers of said city now in offiee shall hold their respective offices until their successors shall be elected and qualified as required by the laws regulating said city.

Repealed.

§ 31. All acts and parts of acts contravening the provisions of this act is hereby repealed, so far as the same might be construed to apply to, or affect any of the provisions of this act.

§ 32. This act shall take effect on and after its passage.

Approved March 11, 1859.

CHAPTER 97.

AN ACT to amend chapter ninety-three of the private and local laws of 1858, entitled "an act to consolidate and amend the act to incorporate the city of Portage, and the several acts amendatory thereof."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

School Commissioners.

SECTION 1. There shall be appointed by the common council of the city of Portage, at its first meeting in each year, from each ward in said city, one school commissioner for said city, who shall be residents of the ward for which they are appointed. The persons so appointed shall hold their office for the term of one year, and until their successors are appointed and qualified,

and the common council may make appointments of school commissioners to fill vacancies which may occur from any cause.

Board of Education.

§ 2. The said school commissioners so appointed, in conjunction with the superintendent of schools of said city of Portage, shall constitute a board to be styled "the board of education of the city of Portage," said board shall appoint and hold stated meetings, and a majority thereof shall constitute a quorum for the transaction ef business. At the first meeting of said board in each year the members thereof shall elect one of their number president, and whenever he shall be absent a president, *pro tem.*, may be appointed. The superintendent of schools shall be clerk of said board, whose compensation shall be fixed by the common council. The said commissioners shall not receive any compensation for their services.

Clerk of Board, —duties, &c.

§ 3. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record, or a transcrip thereof, certified by the president aud clerk, shall be received in all courts and places as prima facie evidence of the facts therein set forth, and such records and all books and accounts of said board shall at all times be subject to the inspection of the common council and of any committee thereof, and the said board shall examine all teachers making application to teach in the public schools of said city; all certificates to teachers, granted by said board, shall be substantially in the form as prescribed by the State Superintendent of Schools. The clerk of said board shall visit all schools in said city, at least once each month, and report their condition to the board of education, with such suggestions for their improvement as he may deem proper. He may also make such suggestions to said board as he may deem necessary, for improving and repairing school houses, grounds, fences and appurtenances thereunto belonging.

Annual report of Clerk.

§ 4. The clerk of said board shall in each year, and at the time and in the manner now or hereafter to be required of town superintendents of schools in the several towns of this state, make and transmit to the clerk of the board of supervisors a report in writing, which report, in form, shall be such as is now required by law to be made annually by town superintendents of schools, and transmitted to said clerk.

CHAPTER 97.

Powers of Common Council.

§ 5. The common council of said city shall have power to pass such ordinances and regulations as the board of education may report as necessary and proper for the protection and safe keeping, care and preservation of school houses in said city, and lots, appurtenances to the schools, and also to impose penalties for the violation thereof. All such penalties shall be collected in the same way that other penalties authorized to be imposed by said council under the act of which this act is amendatory are collected.

Title of school property, &c.

§ 6. The title of the school houses, sites, furniture, books, apparatus and appurtenances, and all other property mentioned by this act, shall be vested in the city of Portage; and the same while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution nor be subject to taxation for any purpose whatever, and the said city shall be able to take, hold and dispose of any real or personal estate, transferred to it by gift, grant, bequest, or devise, for the use of the schools of said city, whether the same shall be transferred in terms to said city by its proper style, or by any other designation, or to any other designation, or to any person or persons, or body, for the use of said schools.

Superintendent of schools.

§ 7. The superintendent of schools of said city, is hereby authorized, empowered and directed to apply for, demand and receive from the county treasurer for Columbia county, all moneys appropriated for the use of schools in said city, and all other moneys in possession of said county treasurer at any time raised, appropriated or intended for the use and benefit of schools in said city, and the said county treasurer is hereby directed and required, on demand of the said superintendent, to pay over to him the said moneys, without delay or set off, taking his receipt as such superintendent therefor, and all such moneys shall be placed to the credit of the school fund of said city.

Powers and duties of Board.

§ 8. The said board of education shall have power and it shall be its duty:

Organization of schools.

1st. To establish and organize such and so many schools in said city, or the several wards thereof, as they shall deem necessary and expedient and to alter and discontinue the same.

School houses, &c.

2d. To have the custody and safe keeping of the school houses, out houses, books, furniture and appendages, and to see that the ordinances and regulations of the common council in relation thereto are observed.

3d. To contract with and employ in behalf of the city, all teachers in the common and ward schools, and such other schools as may be under the direction of said board, who shall have been licensed by said board, and at their pleasure to remove them. CHAPTER 97. Teachers.

4th. To have in all respects the superintendence, supervision and management of all the public schools in said city, and from time to time adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils, and their transfer from one school to another and generally for the promotion of their good order, prosperity and utility. Rules and regulations.

5th. Whenever, in the opinion of said board it may be advisable to sell any of the school houses, lots or sites, or any of the school property now or hereafter belonging to the city, to report the same to the common council. Sale of school property.

6th. To prepare and report to the common council such ordinances and regulations as may be necessary or proper for the protection, safe keeping, care and preservation of school houses, lots, sites and appurtenances, and all the property belonging to the city connected with or appertaining to the schools, and suggest proper penalties for the violation of such ordinances and regulations, and annually to determine and certify to the common council at its first meeting in June of each year the amount of money in their opinion necessary or proper to be raised for school purposes, specifying the sum required for each of the purposes therein mentioned, and reason therefor. Ordinances, &c.

7th. In the name of the city of Portage, to contract, subject to the approval of the common council, for the repair of school houses and their appurtenances, and for all things necessary or proper for the support and maintenance of schools in said city, and to superintend the erection, construction and repair of all school houses and generally to have the entire and exclusive supervision and control of all property belonging to said city used for such purposes. *Provided*, That the common council shall have power to appropriate any sum or sums of money not exceeding in any one such appropriation the amount of thirty dollars, to be expended by said board for any of the purposes mentioned in this subdivision. Supervision of school property

§ 9. The board of education shall have the power

CHAPTER 97.

Buildings for school houses, &c.

by and with the consent of the common council of said city, to erect, construct, hire and purchase buildings suitable for school houses, buy and lease sites for school houses, with the necessary grounds, and to furnish the school houses in said city, with the necessary fixtures, furniture and apparatus.

School tax.

§ 10. The common council of said city of Portage shall have power to annually levy and collect a school tax, not exceeding four thousand dollars, on all real and personal property of said city, to meet the expenses of erecting and repairing school houses, purchasing or hiring sites for school houses, and supporting and maintaining schools.

School orders.

§ 11. It shall be the duty of said board of education to audit each and every indebtedness of said city created for school purposes, and to certify the same to the common council of said city, by certificates signed by the president and clerk of said board, and when so certified, it shall be the duty of the common council to direct orders to be issued for the same, payable out of the school fund of said city.

Non-residents.

§ 12. The said board of education shall have power to allow the children of persons not residents of said city to attend in either of the schools therin under the care and control of said board, upon such terms as said board shall by resolution prescribe, fixing the tuition, which shall be paid therefor; all moneys so received for tuition shall become a part of the school fund of said city.

Report of condition, &c., of schools.

§ 13. It shall be the duty of the board of education to report to the common council, at its first meetings in the months of January and July of each year, the condition of the several schools of said city, and the average number of pupils in attendance, the names and rate of compensation of the several teachers, the cost of supporting each and all of said schools, since their previous report, and the estimated cost thereof, to time of their next succeeding report, as in this section required, specifying the items thereof, under their appropriate heads, together with such other matters as they may deem proper, or the common council may require; *Provided*, That nothing in this act contained shall be deemed to authorize said school commissioners or the common council, or both, to appropriate, contract, or expend, for school purposes, in any one year, any greater sum than the four thousand dollars specified in section ten of this

act, in addition to the school moneys derived by said city from the state and county school funds, and such fines, forfeitures, and penalties and tuition moneys as may properly belong to the city school fund, unless first authorized thereto by a vote of two-thirds of the legal voters of said city. CHAPTER 98.

§ 14. All acts or parts of acts conflicting with any of the provisions of this act are hereby repealed. Repealed.

§ 15. Immediately after the passage of this act, the Secretary of State shall cause the same to be published in the *Portage City Record* and *Badger State*, and the same shall be in force and effect after such publication. Publication of act.

Approved March 11, 1859.

CHAPTER 98.

AN ACT to amend an act, entitled "an act to amend an act to incorporate the Burlington Union School District.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. The qualified voters of the Burlington Union School District, at any annual or special district meeting, shall have power to vote such tax on the taxable property of said union school district, as they shall deem necessary to purchase sites for school houses, and to build, purchase or repair school houses in said union school district, and to purchase furniture for said school house or houses, to any amount not exceeding ten thousand dollars. School tax.

§ 2. Special meetings of said district may be called by the clerk of said district on the written request of ten legal voters of said district, but no business shall be acted upon at any special district meeting, unless it be specified in the written request to the clerk as aforesaid. The clerk, upon receiving said written request, shall immediately make out a notice in writing, specifying therein a time and place at which a special district meeting will be held, and also the business to be transacted at such meeting, specified in said request to the the clerk as aforesaid, which said notice shall be filed in the office of said clerk, and four copies of said notice shall be posted up in four public places in said district, one on the door of the principal school house in said Special meetings.

CHAPTER 98. district—at least six days before the time for holding said meeting.

School Board—duties, &c.

§ 3 The directors, clerk and treasurer of said district shall be and are hereby constituted a body corporate, and shall form a school board, and have the care and custody of all the property of said district, both personal and real, and the care and management of all schools in said district, and shall have power at any regular meeting of said board, to make such prudential rules for the government of the school or schools in said district as they may deem necessary, *Provided*, such rules do not conflict with any of the provisions of this act, and the act to which this is amendatory, or the laws of this state.

Meetings of Board.

§ 4. Meetings of said board may be called by any two of the members of said board, by posting up a notice of said meeting on the door of the principal school house in said district, two days before the time fixed therein for said meeting, and specifying in said notice the object of said meeting; and a majority of said board shall constitute a quorum for the transaction of any business, and that part of an act to incorporate the Burlington union school district, approved, March 9th, A. D., 1857, and all acts and parts of acts amendatory thereto, which conflict with the provisions of this act are hereby repealed.

Approved March 12, 1859.

CHAPTER 99.

AN ACT to extend the time for the collection of taxes in the town of Stevens Point.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time for collection of taxes extended.

SECTION 1. The time for the collection of taxes in the town of Stevens Point, in the county of Portage, for the year 1858, is hereby extended to the first Monday in July, 1859, and the sheriff of said county is hereby authorized and empowered to collect said taxes at any time prior to said first Monday of July 1859, and to make return, as in other cases, to the county treasurer on that day, without any other or further warrant therefor than that heretofore issued and delivered to him for the collection of said taxes.

§ 2. For the purpose of collecting said taxes said sheriff shall possess and exercise all the powers of town treasurers for such purposes, and shall proceed in the collection and return thereof in the manner in which town treasurers are required by law to proceed in the collection and return of taxes; and said sheriff shall proceed in like manner to return to the county treasurer all lands mentioned in the assessment roll of said town for said year upon which the taxes and charges shall not be paid prior to said first Monday of July, 1859, and the county treasurer shall proceed to sell all lands so returned as provided by law, and such sale, when made, is hereby declared to [be] as legal and binding as the sale of land for taxes in ordinary cases. CHAPTER 100. Powers of Sheriff.

§ 3. Nothing in this act shall be so construed as to extend the time for the payment of the state tax due from said town into the county or state treasury.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 12, 1859.

CHAPTER 100.

AN ACT to amend an act entitled an act to incorporate the Northern Wisconsin Mutual Insurance Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Wisconsin Farmer's Insurance Company are hereby authorized to receive, in lieu of a premium note, a definite sum of money of each or any person applying to said company for insurance, in full for the insurance granted by said company to the party so applying for the same. The rates for said insurance shall be such as may be agreed upon between said company and the person or persons agreeing with them for such insurance. Premium notes.

§ 2. The said company may divide applications for insurance into two classes, according the degree of hazard, and the premium notes shall not, in such cases, be assessed for the payment of any loss except in the class to which they belong. Applications.

§ 3. If at any time it shall happen that an election of a board of directors is not held, and a board of di- Election of Directors.

CHAPTER 101. rectors are not elected, or that a president or any other officer of said company is not chosen as provided by the charter and by-laws of said company, the former directors, president, and any other officer of said company shall hold their respective offices till others are elected or chosen.

Board of Directors. § 4. The board of directors of said company shall hereafter consist of a number not exceeding twenty nor less than nine.

§ 5. This act shall take effect and be in force from and after its passage.

Approved March 12, 1859.

CHAPTER 101.

AN ACT to authorize Polly N. Gordon to keep and maintain a ferry across Black River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Right to keep ferry. SECTION 1. That Polly N. Gordon, her heirs and assigns shall have the exclusive right, for the period of ten years, to keep and maintain a ferry across the Black River on section one (1) in township eighteen (18) north of range eight (8) west of the fourth principal meridian in the counties of LaCrosse and Trempeleau, in this state.

Regulations, toll, &c. § 2. Such ferry shall be subject to such regulations as other ferries, according to law fixing the rates of toll, in the manner in which licensed ferries shall be kept and attended, and no other ferry shall be licensed on said section.

Tolls. § 3. The said Polly N. Gordon and her heirs and assigns shall be entitled, for crossing any vehicle drawn by two or more horses or oxen, twenty-five cents; for any vehicle drawn by one horse, twenty cents; for a single horse, fifteen cents; for each head of neat cattle, five cents; for each hog or sheep, one cent.

Repealed. § 4. The act entitled an act to authorize Eliphalet Gordon to keep a ferry across Black River, approved April 14th, 1852, is hereby repealed.

§ 5. This act shall take effect and be in force from and after its passage.

Approved March 12, 1859.

CHAPTER 102.

AN ACT to authorize the laying out and establishing of a state road from from Sun Prairie to section 32, town 9, range 11 east.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That William A. Field, Timothy Cory and LaFayette Stowe, of the county of Dane, be and they are hereby appointed Commissioners, and authorized to lay out and establish a state road, commencing at some covenient point in the village of Sun Prairie and running northerly on the most practicable routes until they shall intersect the highway on the eighth line in the southeast quarter of section thirty-two, in town number nine range eleven east. Commissioners to lay out State road.

§ 2. Said commissioners shall proceed in the same manner and have the same powers as provided by law for supervisors of towns in laying out roads, and the several towns through which the said road shall pass, shall pay all damages arising in consequence of the appropriation of any lands for the purpose of laying out and establishing the state road aforesaid, which may be assessed by said commissioners or settled by said commissioners or settled by agreement between said commissioners and the owner of any of such lands through which said road shall pass. Damages, &c.

§ 3. The said commissioners shall be entitled to receive the sum of two dollars per day for every day actually employed in performing the duties required by this act, to be paid out of the county treasury. Compensation.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 12, 1859.

CHAPTER 103.

AN ACT to authorize the Bank of La Pointe to reduce its capital stock, and to remove its place of business.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. The Bank of La Pointe is hereby permitted and authorized to reduce its capital stock to a sum not less than twenty-five thousand dollars, and to Authority to reduce capital stock.

CHAPTER 168. remove its place of business to the village of Appleton, in the county of Outagamie and State of Wisconsin, upon filing with the Bank Comptroller a certificate from the Secretary of State that said Bank has complied with the requirements of subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin, for the year 1852, entitled "an act to authorize the business of banking in the State of Wisconsin," approved May 15th, 1858, and setting forth in such certificate the amount to which said capital stock is to be reduced: *Provided* that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of filing the certificate required in this section; and said bank shall be required to pay to state treasurer all taxes due the state on the full amount of its capital, up to and including the day on which such certificate is filed with the Bank Comptroller.

Proviso.

Certificate to be filed.

§ 2. Before the removal of said bank, as authorized by the last section of this act, a certified copy of the certificate recorded in the office of the Register of Deeds of LaPointe county, in pursuance of section number nineteen of an act to authorize the business of banking in the state of Wisconsin, approved April 19th, 1852, shall be recorded in the office of the Register of Deeds of Outagamie county, and a copy thereof, duly certified by the Register of Deeds of Outagamie county, shall be filed with the Bank Comptroller and State Treasurer.

Circulating notes.

§ 3. Hereafter the Bank Comptroller shall not issue to said bank any circulating notes unless the same shall distinctly mention "Appleton" as the place of their issue and redemption. And whenever said bank shall redeem any of its circulating notes now outstanding, they shall be returned to the Bank Comptroller, and said bank may receive in exchange therefor other circulating notes issued in conformity to the provisions of this section.

Ibid.

§ 4. The holder or holders of any outstanding circulating notes of said bank, upon which are printed "Bank of LaPointe," may have such notes presented for payment, and the payment thereof demanded, and may cause such notes to be protested for non-payment at the village of Appleton, in the same manner and with like effect as if the same had been so presented,

demanded and protested at the place where such note or notes are made payable.

Certificate of capital stock.

§ 5. The president and cashier of the bank of La Pointe shall, immediately after the passage of this act, file in the office of the Register of Deeds of the county of Outagamie, a certificate under oath, stating the sum to which the capital stock of said bank is reduced, and shall file a certified copy of such certificate in the office of the Bank Comptroller and State Treasurer.

§ 6. This act shall take effect and be in force from and after its passage.

Approved March 12, 1859.

CHAPTER 104.

AN ACT to authorize the laying out of a State road from Appleton to Shawanaw.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners to lay out State road.

SECTION 1. T. P. Bingham, Chauncey D. Foote and Frederick Packard are hereby appointed commissioners to lay out and establish a state road from Appleton, in Outagamie county, to Shawanaw, in Shawanaw county, by the most practicable route.

Compensation.

§ 2. The said commissioners shall, upon the performance of their work, be entitled to receive the sum of two dollars each per day, for the time actually and necessarily spent by them in the laying out and establishing of said road, to be paid by the counties through which said road runs, in proportion to the length of the part of said road which lies in each of said counties respectively, upon the sworn statement of said commissioners showing the time so spent by them; *Provided*, that the expense to either county shall not exceed fifty dollars.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 12, 1859.

CHAPTER 105.

AN ACT requiring the owners or occupants of Mill Dams across Root River or any of its tributaries, in the counties of Racine and Milwaukee, to build and maintain slides for the free passage of fish.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Slides.

SECTION 1. Each owner or occupant of any mill dam already erected, or which may hereafter be erected across Root River, or any tributary thereof, in the counties of Racine and Milwaukee, shall build, maintain and keep in good repair, a sufficient slide not less than fifteen feet wide in the clear, and so constructed as not to cause a fall of more than three feet to every twelve of horizontal surface, to admit the passage of fish.

Violations—penalty.

§ 2. Any person who shall violate the provisions of this act, shall forfeit and pay the sum of twenty-five dollars, to be recovered in any action to be brought in the name of the State of Wisconsin against such person in any court having jurisdiction of such action, upon complaint of any person.

§ 3. This act shall take effect and be in force from and after the first day of September, A. D. 1859.

Approved March 12, 1859.

CHAPTER 106.

AN ACT authorizing the town of Linwood in Portage county to make a new assessment of taxes for the year 1858.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Re-assessment.

SECTION 1. The town clerk of the town of Linwood in the county of Portage, or such other person as the board of supervisors of said town may appoint for that purpose, is hereby authorized to make a reassessment of the property, real and personal in said town for the year 1858, in the manner provided by law for the assessment of the value of property real and personal, *Provided*, That the same shall be completed on or before the first Monday of May next.

Duty of Clerk.

§ 2. Immediately upon the completion of the assessment aforesaid, the town clerk shall proceed there-

on to calculate and carry out all the taxes apportioned to said town for the year 1858, in the manner provided by law for said year 1858.

Assessment roll, &c.

§ 3. The said town clerk shall immediately make out a fair copy of said assessment, when thus completed and annex a warrant thereto, as in other cases, which shall be delivered to the town treasurer of said town immediately upon said treasurer giving the bond now required by law of town treasurers before proceeding to collect taxes, and said treasurer shall proceed to collect the taxes mentioned in the assessment roll delivered to him as aforesaid in the same manner as town treasurers are required to collect taxes by law in other cases. And said assessment is hereby declared to be legal and valid for all intents and purposes mentioned in this act, and return shall be made by said treasurer in the manner required by law, on or before the first Monday of July next.

Time extended for collection of taxes.

§ 4. The time for the collection of said taxes is hereby extended to the first Monday of July next, and said re-assessment, assessment roll, tax, warrant and proceedings thereon, are hereby declared to be legal and valid for all intents and purposes.

Secretary of State.

§ 5. This act shall take effect and be in force from and after its passage, and the Secretary of State is hereby required forthwith upon the passage of this act to transmit a copy thereof to the town clerk of the town of Linwood aforesaid.

Approved March 14, 1859.

CHAPTER 107.

AN ACT to authorize the construction of a bridge across the ship canal in the Fourth Ward of the city of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Construction of bridge.

SECTION 1. Edward D. Holton, J. Lawrence McVickear, Benjamin Bagnall, Hiram R. Bond, and such other persons or parties as shall consent to co-operate with them, are hereby authorized to construct and maintain a substantial bridge across the ship canal in the Fourth Ward of the city of Milwaukee, from the foot of the alley which runs from the intersection of Sixth

CHAPTER 108.

and Hinman streets, through blocks numbered 141 and 151 in said ward, to Monroe street on the opposite side of said canal.

Management, &c.

§ 2. Such bridge shall be constructed with a suitable draw to allow the passage of all sail and steam vessels which come into the Milwaukee and Menomonee rivers; shall be built, maintained, repaired and tended at the expense of those who are so authorized to construct and maintain the same, shall at all times be kept in good order and open and free to the public use, and free from toll for passing the same; shall be subject to such rules as the common council of said city shall fix for the opening, closing, tending and managing the same and shall be entitled to the same protection from careless or malicious injury under the laws and ordinances of the said city that other public briges in said city are.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

CHAPTER 108.

AN ACT to facilitate and authenticate the formation of a corporation by the purchasers of the Chicago, St. Paul and Fond du Lac Rail Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Formation of corporation.

SECTION 1. In case the Railroad of the Chicago, St. Paul and Fond du Lac Railroad company, or any part of the said railroad lying within this State shall be sold by virtue of any mortgage or mortgages, or deed or deeds of trust either by foreclosure or other proceedings in law or equity, or by advertisement in pursuance of a power or authority in any such mortgage or deed of trust contained, the purchaser or purchasers in any such case, his or their associates, successors or assigns if desiring to form a corporation under or by virtue of the laws of this state or of the states of Illinois or Michigan, or any or all of said states, may file in the office of the Secretary of State of this State, a certificate specifying the name of the said corporation, the number of the directors, and the names of the directors for the first year as designated in the said certificate, or as

elected by the said purchaser or purchasers, their successors or assigns, which certificate shall be signed by the said purchaser or purchasers or the survivor of them or their or his successors or assigns, and upon the filing of any such certificate, the persons who shall have signed the same shall be a body politic and corporate by the name stated in such certificate and the said corporation shall possess all the privileges, powers, authorities and capacities acquired by the said purchaser or purchasers, or possessed by the Chicago, St. Paul and Fond du Lac Railroad company by virtue of any law of this state or of the states of Illinois or Michigan; and shall likewise have power by the vote of a majority in interest of the stockholders of the said corporation, and by instruments in writing to assume any debts or liabilities of the said Chicago, St. Paul and Fond du Lac Railroad company, and secure the same in the same manner as the said corporation might secure any debt contracted for the completion of said road, or for any other purpose; and shall also have power to create and issue a special stock to represent its lands and bonds, which stock shall be subject to assessment and entitled to dividends only to such extent and upon such conditions as shall be fixed by the act or agreement of the corporation creating the said stock and not otherwise, but may be voted on the same as other stock.

Privileges, powers, &c.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

CHAPTER 109.

AN ACT to amend section 42 of chapter 277 of private and local laws of 1857, entitled "An act to incorporate the village of Waupun.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That section 42 of chapter 277 of private and local laws for the year 1857 be amended as follows: strike out the words "less than five mills, or" where they occur in said section.

Amendment.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

CHAPTER 110.

AN ACT to amend an act to consolidate and amend the act to incorporate the City of Oshkosh, and the several acts amendatory thereto.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment—veto power of Mayor, &c.

SECTION 1. Section two of chapter three of the charter of the City of Oshkosh, is hereby amended by adding to said section as follows: The mayor shall have power to veto any ordinance or resolution passed by the common council, by notifying the council of his objections thereto at any time within seven days after the passage of such ordinance or resolution. In case of no session of the council in any day after the passage of the same, and before the expiration of said seven days, such notification shall be made by filing with the city clerk a copy of his objections. And in case the council shall not, within one week after receipt of such objections or such filing with the clerk, re enact such ordinance or repass such resolution by the votes of two-thirds of the aldermen elect, the same shall be null and void. No ordinance or resolution shall take effect until one week after the passage and publication of the same.

Repeal.

§ 2. Sections two, three, and four, of chapter five of the charter of the City of Oshkosh, are hereby repealed, and the following substituted and enacted in place of said section three: The common council of the City of Oshkosh shall annually levy a tax upon all the property in said city subject to taxation, not exceeding one-half of one per cent. per annum. *Provided*, however, that in any one year a tax of not over five thousand dollars shall be levied for such purposes.

Amendment.

§ 3. Section five of chapter five of said charter of the City of Oshkosh, is hereby amended by striking out in the third line of said section the words, "one per cent.," and insert in place thereof, "one quarter of one per cent." Said section five is hereby further amended by striking out the words, "one-half of one per cent." where they occur in said section, and insert in place thereof, "one-eighth of one per cent."

Ibid.

§ 4. Strike out in section six of chapter seven of the charter of the City of Oshkosh, wherein it occurs, the word "Comptroller," and insert "Clerk."

Special improvements.

§ 5. Hereafter no special improvement shall be ordered by the common council exceeding in estimated cost the sum of two hundred dollars, unless the owners

of more than one half of the lands to be taxed for such improvement, shall petition in writing for the same, or unless the same shall be ordered by a vote of three-fourths of all the aldermen elect.

Ibid.

§ 6. Whenever the common council order any special improvement to be made, or pass any ordinance or resolution requiring any special improvement to be done, the vote therefor of the aldermen shall be taken by yeas and nays, and entered upon the journal of the proceedings of the said council; and no special improvement shall be valid or binding, unless said vote be so taken and entered upon the journal.

Tax sale.

§ 7. In case any lots or tracts of land in the said City of Oshkosh are not sold for any unpaid taxes or assessment of any kind thereon, at the time or times provided in the charter of said city, or the acts amendatory thereto, either through mistake, accident, or negligence of the city treasurer, or any other person, or in consequence of the sale thereof having been restrained or enjoined by the order or any process of court, or for any other cause, the treasurer of the said city is authorised to make such sale thereof at any time afterwards, by giving two week's notice of the time and place of such sale in a public newspaper printed in said city, for two weeks successively before said sale. It shall not be necessary for such notice to contain any description of the land to be sold. *Provided*, nothing herein shall be construed as to authorize such sale in cases where the same has been restrained by order or process of court, until such restraint or prohibition is removed; *And provided further*, that nothing contained in this section shall apply to any tax or assessment made to pay the interest or principal upon any bond or obligation of the City of Oshkosh, given to aid in the construction of any railroad, or for the stock of or any interest in any railroad or railroad company whatever.

Proviso.

City charter.

§ 8. The city charter of said City of Oshkosh, and the acts amendatory thereto, shall be applicable to sales of lands made as provided for in this act, and to carry out the same and give the same force and effect, except as otherwise provided for.

§ 9. All, or any part of any law contravening the provisions of this act, are hereby repealed.

§ 10. This act shall take effect and be in force from and after its passage and approval.

Approved March 14th, 1859.

CHAPTER 111.

AN ACT to authorize Isaac Ferris to erect a dam and maintain a boom on the Wisconsin river.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to erect a dam, &c.

SECTION 1. Isaac Ferris, his associates, heirs and assigns, are hereby authorized to erect and maintain a dam and all booms necessary for logs, on the Wisconsin river, on section seventeen, town twenty-three, range eight east, in the county of Portage, commencing on the west bank of river, on lot number three of said section, from thence to island number one in said river, from thence to east bank of river on said section, and to make use of the water for hydraulic purposes.

Restrictions, &c

§ 2. Said dam shall not exceed eight feet in height from the ordinary water line of said river and shall be constructed with a good and suitable slide or shute, not less than sixty feet wide, to admit of the passage of logs, rafts, timber, and water crafts, which shall at all times be entitled to pass said dam and boom, free of all charges and delay to the owner or owners thereof.

Construction of boom.

§ 3. Said boom shall be so constructed as to admit the free passage of all logs, rafts, timber, and water crafts, heretofore mentioned. *Provided*, That the proprietor or proprietors of said boom shall not retain the logs of other persons longer than a reasonable and sufficient time to sort out his or their logs from the rest of the drive.

§ 4. This act shall take effect from and after its passage.

Approved March 14, 1859.

CHAPTER 112.

AN ACT to annex a part of the city Kenosha to the town of Pleasant Prairie.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Annexation.

SECTION 1. All that part of the city of Kenosha lying east of Mechanic street, and south of the town line street, called Prairie avenue, is hereby annexed to the

the town of Pleasant Prairie. *Provided*, That nothing herein shall be construed to exempt the part of said city so annexed from the payment of a just proportion of the indebtedness owing by said city.

Power of Common Council.

§ 2. The common council shall have power at any time after the expiration of two years from the passage of this act, to re annex to said city the part so annexed to the town of Pleasant Prairie, on the following conditions: 1. In case the proprietors of the lots and lands of the part af said city annexed shall neglect for two years from the passage of this act, to build and maintain sufficient breakwaters for the preservation of the banks along the shore of lake Michigan, within the limits of that part annexed, to be determined as hereinafter provided. Or, 2. In case such work shall be constructed, and the city shall pay the cost of constructing the same as hereinafter provided; then, in either case, the city council shall have power to re-annex the same.

Arbitration.

§ 3. In order that there shall arise no misunderstanding as to whether the work has been completed within two years, as mentioned in section two of this act, the proprietors of the lots and lands of the part annexed on the one part, and the city council on the other part, shall each choose one disinterested person, and the two thus chosen shall choose a third person, and the persons so chosen shall be authorized to determine whether the work has been built and is sufficient to answer the purposes contemplated in section two, and their determination shall be final between the parties.

Decision, &c.

§ 4. If the persons so authorized shall decided the work to be sufficient, then, and in that case, it shall be lawful for the city council, on payment of the cost of such work, with ten per cent. interest thereon, to re-annex the same part as is hereby annexed, and when so re-annexed, shall become and remain as much a part of said city as before the passage of this act.

Expense of improvement, &c.

§ 5. For the purpose of determining the amount which the city shall be required to pay on re-annexation, the proprietors of lots and lands included in the part annexed, shall present to the city council all claims for work, materials, or other expenses incurred in constructing the improvement, by them severally expended, duly certified for allowance, and the clerk of the city council shall enter the ammount so allowed to the persons thereto entitled, in a book to be kept for that purpose; but no account shall be received or allowed

CHAPTER 113. if not duly presented and proved within six months after the time limited for the completion of the work.

Time and place of payment.

§ 6. Whenever the city council shall determine to re-annex, as provided in section two, they shall pay to the persons whose claims have been audited as provided in section five, or their legal representatives, the amounts so audited, with interest at the rate of ten per cent. from the date when the same were audited to the time of such payment. *Provided*, That the city council shall cause notice to be published in some newspaper printed in said city, for at least four weeks before the time of such payment, of the time and place when and where such payments will be made.

§ 7. This act shall be in force from and after its passage and publication.

Approved March 14, 1859.

CHAPTER 113.

AN ACT to amend an act to incorporate the Watertown, Hubbelville, Portland and Waterloo Plank Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Election of officers.

SECTION 1. The stockholders of said company may meet at any time, if all be present, and elect officers, who shall hold until their successors be elected.

Sale of road.

§ 2. Said company may discontinue, sell or dispose of the whole or any part of their road lying west of the Crawfish river.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

CHAPTER 114.

AN ACT to legalize the Assessment and Assessment Roll in the towns of Trimbell and Diamond Bluff, in the county of Pierce, for the year 1858.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. The assessment and assessment roll of the towns of Trimbell and Diamond Bluff, in Pierce county, for the year 1858, are hereby declared to be legal and valid to all intents and purposes. Assessment roll legalized.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

CHAPTER 115.

AN ACT authorizing the treasurer of the city of LaCrosse to return certain lands to the county treasurer.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Wherever the treasurer of the city of La Crosse may have omitted to return lands to the county treasurer, as required by law, for unpaid taxes, he is hereby authorized to return the same to the present county treasurer, who is hereby authorized to dispose of the same in the same manner as other lands returned to him for unpaid taxes, and all proceedings thereon shall be as binding and legal as if the same had been returned in proper time. Return of lands for unpaid taxes.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

CHAPTER 116.

AN ACT to authorize the county treasurer of the county of Marathon to sell the lands returned in said county, for the non-judgment of taxes for the year 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sale of lands for non-paym't of taxes.

SECTION 1. The county treasurer of the county of Marathon is hereby authorized to include in, and publish in the list of lands returned to said treasurer for non-payment of taxes in the year 1858, the list of lands returned to the treasurer of said county for the non payment of taxes in the year 1856 which lands shall be sold in all respects according to the provisions of law governing and regulating the sale of lands for the non-payment of taxes in the year 1858.

§ 2. This act shall be in force and take effect from after its passage.

Approved March 4, 1859.

CHAPTER 117.

AN ACT to legalize the organization of School District No. 5, in the town of Utica, Crawford county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Organization legal and valid.

SECTION 1. The formation of school district No. 5, Utica, Crawford county, made by the town superintendent of said town, on the first day of March, A. D. 1858, is hereby declared to be legal and valid to all intents and purposes, and the organization of district is also hereby declared to be legal and valid.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

CHAPTER 118.

AN ACT granting to Ira H. Hammonds the right to establish and maintain a ferry across the main channel of the Mississippi river.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Ira H. Hammonds, his heirs, executors, administrators and assigns shall have the exclusive right and privilege, for the period of ten years, of keeping and maintaining a ferry across the main channel of the Mississippi river, at the village of Trempealeau, in the county of Trempealeau and State of Wisconsin, or within one mile of said point, up and down said river. **Authority to establish ferry.**

§ 2. The said Ira H. Hammonds shall, within six months after the passage of this act, place and maintain at the aforesaid place, such good and efficient boat or boats as may be necessary to carry across said river all teams, horses, cattle, and other property, and for the accommodation of foot passengers, and shall at all times give ready and prompt attendance on passengers and teams on all occasions and at all hours of the day or night, but persons crossing said ferry at night may be charged double the fair hereinafter prescribed. **Boats, &c.**

§ 3. The said Hammonds, his heirs, executors, administrators and assigns may land their boats passengers and property on any public highway which may terminate within the points above specified, or on the lands of any person or persons owning the same, first having procured their permision so to do. **Powers, &c.**

§ 4. The rates charged for crossing at said ferry shall not exceed the following rates: For each foot passenger, twelve and one half cents; for each horse or mule, with or without rider, forty cents; for each two horse or two ox or two mule team, loaded or unloaded, with driver, seventy five cents; each single horse carriage with passengers, fifty cents; each swine or sheep, three cents; for neat cattle per head, ten cents; all freight of merchandize or other articles not in teams, at the rate of twenty-five cents per hundred weight, fifty cents per thousand feet of lumber. **Toll.**

§ 5. If the said Ira H. Hammond, his heirs or assigns, or any ferryman employed by them, shall take or receive any greater or higher rate of ferriage for transporting persons, teams, goods and chattels, or other things whatsoever, than is allowed by this act, **Ibid.**

CHAPTER 119.

any person so offending shall forfeit and pay, for every such offence, the sum of ten dollars, to be recovered, with costs of suit, before any justice of the peace within the state, and for the use of any person who shall sue therefor.

Penalty for establishing other ferries.

§ 6. If any other person or persons shall, after the establishment of the said ferry as aforesaid, set up or keep or maintain any ferry, or shall carry any person, goods or chattels for hire or pay across the Mississippi river, from any place on the east side or shore of said river, within the points above specified, every such person shall, for every such offense, forfeit and pay the sum of ten dollars, to receive as aforesaid, by and for the use of any person who shall sue for the same: *Provided*, that nothing herein contained shall be deemed or construed to prevent any person who resides within the limits aforesaid, on the east bank of said river, from the right of making use of their own boats in transporting themselves and property across the same at pleasure.

§ 7. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

CHAPTER 119.

AN ACT to provide for a Fish Inspector in the county of La Pointe in this State.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Election.

SECTION 1. There may be elected in the county of La Pointe, as the public convenience and necessity may require a fish inspector.

Oath of office.

§ 2. Such inspector shall before entering upon the duties of his office, take and subscribe the oath of office prescribed by law, and cause the same to be filed in the office of the county clerk of said county, and shall also give bond with sufficient sureties, as hereinafter provided.

Deputies.

§ 3. Such inspector shall appoint one or more deputies in such towns within the said county where the fishing business is carried on, removable to his pleasure but the inspector elected, shall be responsible for their

official conduct, and they shall give bonds with sufficient sureties to him in a penal sum not to exceed five hundred dollars each, and shall take and subscribe the constitutional oath of office, before entering upon the duties of their office, and cause the same to be filed with the county clerk of said county.

Bond.

§ 4. The inspector elected before entering upon the duties of his office, shall give bond with sufficient sureties, to the Treasurer of this State, in the penal sum of one thousand dollars, which bond shall be approved by the county clerk, and lodged with the treasurer of said county.

Annual report.

§ 5. Such Inspector shall annually in the month of December make a return to the Secretary of State of the quantity of fish inspected by him and his deputies during the year next preceding the first day of said December, and in each return he shall specify the different kind and qualities, and the quantity of each quality so inspected.

Duties of Inspector.

§ 6. The Inspector and his deputies shall on application made to him or them for that purpose proceed to examine any pickled fish submitted for inspection, and shall see that the same have been well struck with salt or pickle in the first instance, and preserved sweet, free from rust, taint or damage, and such fish as shall be found in good order, and of good quality, shall be packed, either in barrels containing two hundred pounds or in half barrels containing one hundred pounds, or in quarter barrels containing fifty pounds.

How fish to be packed.

§ 7. Such fish shall be packed with good clean salt, suitable for the purpose, and after packing said fish, with sufficient salt to preserve them, and heading said barrels, they shall be filled up with clear strong pickle.

Brand.

§ 8. Each cask shall be filled with fish of the same kind, and the inspector shall brand in plain, legible letters on the head of each cask of fish so inspected respectively "Number One" or "Number Two" representing the quality of fish packed or repacked, he shall also brand on one head of each cask the denomination of the fish, the initials and the whole of the surname of the inspector, or deputy, the name of the county and state and the month and year of the inspection.

Fraud—penalty of.

§ 9. If any person with intent to defraud, shall intentionally take out, or exchange any inspected fish, which shall be packed and branded as aforesaid, or shall put any other fish in a cask so branded for sale or

CHAPTER 120. exportation, or if any person shall counterfeit any brand marks of any inspector or deputy, on any cask containing fish, he shall forfeit fifteen dollars for each offence.

Casks. § 10. All casks used for packing or repacking pickled fish shall be made of sound, well seasoned, white, red or black oak, white ash or white pine timber, and shall be hooped in a substantial and workmanlike manner.

Fees. § 11. The fees for inspecting and branding shall be for each barrel ten cents, for each half barrel six cents and for each quarter barrel five cents, and for overhauling, inspecting, repacking and branding, for each barrel twenty cents, for each half barrel twelve cents, and for each quarter barrel, eight cents, exclusive of cooperage and salt necessary [to be] used in repacking, which fees shall be paid by the person employing the inspector or deputy.

Violations of law. § 12. If any inspector, or deputy inspector of fish, shall brand any cask of fish, the contentents of which he has not duly inspected and ascertained to be good, or if he shall permit any other person to use his brand, in violation or evasion of the provison of this chapter, he shall forfeit for each offence the sum of twenty dollars, and shall also be removed from his office.

§ 13. This act shall take effect on and after its passage.

Approved March 14, 1859.

CHAPTER 120.

AN ACT to authorise the laying out a State Road from the village of Ogdensburg, in Waupaca county, to Shawanaw, in Shawanaw county.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Commissioners SECTION 1. Horace Clears, O. A. Quimby and M. L. Eavett, are hereby appointed commissioners to survey, lay out and establish a state road from the village of Ogdensburg in Waupaca county, to Shawanaw in Shawanaw couty.

Compensation for laying out road. § 2. The said commissioners or a majority of them may meet at such place and time as they may designate, and proceed to view, lay out and survey said

road, and they shall receive on the completion of their labors, a reasonable compensation thereof, to be paid by the several counties in which said road shall be located, and by each county in proportion to the length of the road which shall be located in said county; *Provided*, That no part of the expense of laying out said road shall be paid by the State.

§ 3. This act to take effect and be in force from and after its passage.

Approved, March 14, 1859.

CHAPTER 121.

AN ACT providing for a settlement between the towns of Black Earth and Mazomanie.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Arbitrators.

§ 1. That the board of supervisors of the town of Black Earth and the board of supervisors of the town of Mazomanie, are hereby authorized and required to each appoint one person who shall not be a resident of either of said towns, and the persons so appointed shall choose one other person to act with them, as a board of arbitrators for the purpose of determining upon all claims of the town of Mazomanie against the town of Black Earth.

Ib.-Meeting of.

§ 2. Said arbitrators shall meet for the purpose aforesaid at the office of the town clerk of said town of Mazomanie, on the third Tuesday of April, A. D. 1859, at ten o'clock in the forenoon, or as soon thereafter as said arbitration shall elect.

Manner of conducting arbitration.

§ 3. Said arbitration shall be conducted and had in conformity with chapter 131 of the Revised Statutes, except as is in this act otherwise provided.

Award.

§ 4. Said arbitrators shall make their award in writing, and in duplicate originals, one of which duplicate they shall deliver to the town clerk, of said town of Black Earth, and one they shall deliver to the town clerk of said town of Mazomanie.

Town Clerks.

§ 5. The said town clerks upon receiving the said duplicates shall file them in their respective offices.

Awards.

§ 6. When the awards of said arbitrators shall be made as provided in section 4 of this act, such award

CHAPTER 122. shall be conclusive and binding upon said towns in regard to the matter in controversy, unless the same shall be vacated, changed or modified in the manner and for like grounds as are set forth in said chapter 131 of the Revised Statutes, for vacating awards of arbitration.

Grievances. § 7. Either town feeling aggrieved by the awards of said arbitrators, may move the Circuit Court of Dane County at the next regular term thereafter, to vacate, change or modify the award of said arbitrators; and the said Court may thereupon affirm, reverse, change or modify the awards of said arbitrators in whole or in part, and make such order, and give such judgment in the premises as to the said court shall seem equitable and just.

Compensation. § 8. Each of said arbitrators shall be entitled to receive two dollars for each day they shall be employed in said arbitration, and ten cents per mile for each mile actually traveled to attend upon the arbitration, to be paid by the said towns of Black Earth and Mazomanie.

§ 9. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

CHAPTER 122.

AN ACT to legalize the official acts of Thomas Carroll, a Justice of the Peace of the town of Erin, in the county of Washington.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Official acts legalized. SECTION I. That all the official acts and duties performed by Thomas Carroll, as justice of the peace of the town of Erin, in the county of Washington in this State, so far as the same are consistent with the general laws of this State, are hereby legalized and declared to be as valid for all purposes, as though the said Thomas Carroll had caused his official bond and oath to be made and filed in conformity with the statutes of this State.

Official bond. § 2. The said Thomas Carroll is hereby authorized to execute and file his official bond and oath of office, on or before the first day of May next, with the clerk

of the circuit court of Washington county, and the same shall be as valid to all intents and purpose, as though they had been executed and filed as required by the statutes.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

CHAPTER 123.

AN ACT to amend an act, entitled an act to incorporate the city of Stevens Point, approved May 17th, 1858.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter two of an act entitled an act to incorporate the city of Stevens Point, approved May 17th, A. D., 1858, is hereby amended, by inserting after the words "police justice," wherever they occur in said section, the words "and superintendent of schools." Amendment.

§ 2. Section three of said chapter two is hereby amended, by striking out the words "or alderman," wherever they occur in said section three. Ibid.

§ 3. The superintendent of schools of the city of Stevens Point shall hereafter possess the same powers and perform the same duties within such city as superintendents of schools of towns, and all general laws prescribing the powers and duties of superintendents of of schools in towns shall apply to such superintendent in said city, except that his bond shall be approved by the common council, and filed with the clerk of said city. Powers of Sup't of schools.

§ 4. Section twelve of chapter three of the act aforesaid is hereby amended, by adding at the end thereof as follows: "*Provided*, That appeals shall not be taken from judgments rendered for the violation of any city ordinance, when the judgment or penalty does not exceed the sum of five dollars, exclusive of costs; but in case the same exceeds that sum, appeals may be taken therefrom, as in other cases." Amendment—appeals.

§ 5. Section fifteen of chapter seven of the act aforesaid is hereby amended, by striking out the word "treasurer," wherever it occurs therein, and inserting in lieu thereof, the word "marshall." Amendment.

CHAPTER 124.

Election of Superintendent, &c.

§ 6. If a superintendent of schools for said city was elected at the city election held on the first Monday of March, 1859, his election is hereby declared to be legal, and the person so elected shall hold and continued in office during the full term of such office, but if such superintendent was not elected at said election, then it shall be the duty of the common council, at a regular or special meeting thereof, to appoint a suitable person superintendent of schools of said city, and the person so appointed shall hold and continue in office until the first Monday of March, 1860, and until his successor is appointed, or elected, and qualified, and within ten days after such appointment the person appointed shall file his bond as in other cases, and with like effect, and upon such bond being filed, he shall possess and exercise all the powers and duties of superintendent of schools in all respects, as though he held his office by election.

Approved March 14, 1859.

CHAPTER 124.

AN ACT to amend an act, entitled "an act in relation to the public schools in the city of Oshkosh," approved March 7, 1856, and the several acts amendatory thereto.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

School Commissioners—term of office.

SECTION 1. The school commissioners who may be elected at the charter election in the city of Oshkosh, in April, 1859, in the first, third and fifth wards, shall hold their offices for one year; and those elected in said wards thereafter shall hold their said offices for the term of two years respectively; and the school commissioners elected in the second and fourth wards in said city in April, 1859, shall hold their said offices for two years, and thereafter for the term of two years respectively.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

CHAPTER 125.

AN ACT to authorize the city of Green Bay to provide for the construction of Roads in Brown county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the common council of the city of Green Bay, in the county of Brown, being authorized by a vote of the electors, who shall be freeholders of said city, to provide for the construction of plank, rail, turnpike or McAdam roads in the county of Brown, or to aid in the construction thereof by subscribing, on behalf of the city of Green Bay, to the capital stock of any company organized under the laws of this state, for the purpose of constructing any such roads, in the manner specified in this act. Construction of roads.

§ 2. Whenever, in the opinion of the common council of the said city, it shall be deemed expedient to extend aid the construction of any rail, plank, turnpike, McAdams road, as provided in the first section of this act, they may propose an ordinance setting forth particularly the roads to be constructed, the manner of its construction, the amount of stock proposed to be taken, or the amount of money to be raised for the purpose contemplated in such ordinance, and they shall fix the time and manner in which a vote will be taken for or against said ordinance by the qualified electors of said city interested therein. Powers of Common Council.

§ 3. The said ordinance shall be published at least three weeks previous to the time fixed for holding the election, by publication in a neswpaper printed in the county, and by posting up written or printed copies of said ordinance in five of the most public places in each election precinct, and the election shall be held and the votes canvassed and certified in the manner provided by law for holding elections for city officers in said city. At such election none but freeholders shall be qualified to vote; the vote shall be by ballot, on which shall be written or printed the words, "for the ordinance," or "against the ordinance," and if a majority of all the votes cast at any such election shall be in favor of such ordinance, then the mayor of said city, in the name of the city of Green Bay, shall subscribe for the amount of stock mentioned in such ordinance. Ordinance—election, &c.

§ 4. For the purpose of raising the sum of money Assessment.

required by said ordinance to be raised from time to time, the common council of said city shall appoint three persons commissioners to make an assessment of the amount upon the real estate situate within such county, town, or city, charging its proper portion to each parcel of real estate subject to the payment thereof, and the assessment shall be made with reference to the benefits to be derived from the construction of the roads proposed by said ordinance in the enhanced value of the real estate chargable with such assessment, and after the said assessment shall be completed by the commissioners, the same shall be kept open for the inspection of all persons interested therein, for the period of thirty days, and notice thereof shall be published in one or more newspapers printed in the county in which the real estate shall be situated.

Grievances.

§ 5. Any person, on feeling himself agrieved by the action of the commissioners in making such assessment, may, within the said period of thirty days, appeal from the decision of said commissioners to the circuit court of the proper county, by giving to said commissioners, or either of them, a written notice of such appeal, and upon receipt of such notice the said commissioners shall make return of a certified copy of their assessment to the clerk of the circuit court, and the said court, or the judge thereof at chambers, may proceed to take testimony, and upon the hearing thereof to increase or diminish the amount charged against any or all the tracts or parcels of land included in such assessment, or to confirm the same as made by said commissioners.

Confirmation of assessment.

§ 6. After the said commissioner shall have completed their assessments and no appeal shall have been taken from their decision, or after the confirmation thereof by the circuit court, the said commissioners shall make two copies of assessment, one of which shall be returned to the treasurer of the city, and the other copy shall be filed in the office of the Register of Deeds of the county in which the lands may be situated, and from the time of such filing, the amount charged against such and every tract or parcel of land as specified therein, shall be and remain a lien thereon until the same shall be paid.

Duty of Treasurer.

§ 7. The treasurer to whom any such assessment shall be returned, as provided in the last proceeding section, shall give public notice by publishing the same in a newspaper printed in the county, stating that such

assessment roll has been committed to him for collection, and that he will received payment of the amount charged against any tract or parcel of land described therein, or of any portion thereof, at his office for the term of sixty days next ensuing the date of such notice, and that all lots, tracts, and parcels of land upon which the assessment shall remain unpaid at the expiration of said sixty days, will be sold by him at a time and place mentioned in such notice, for the purpose of paying the assessment charge thereon, together with all costs which may have accrued.

Sale of land.

§ 8. On the day and at the place mentioned in said notice the treasurer shall commence the sale of such lots, tracts, and parcels of land and continue the same from day to day until so much thereof may be sold as will pay the assessments and costs charged thereon agreeably to the provisions of this act. And the treasurer shall make out and deliver to the purchaser of any lot or tract of land, or any portion thereof, a certificate, setting forth the description of the lot or tract sold, the amount for which the same was sold, the name of the purchaser, and the time when the purchaser will be entitled to a deed of the premises; and if the person claiming the title of the lot, tract or parcel of land, or parts thereof so sold and described in said certificate, shall not, within two years from the date thereoff, pay to the treasurer, or his successor in office, for the use of the purchaser the sum mentioned in said certificate, together with interest thereon at the rate of twenty-five per cent. per annum from the date of said certificate, the treasurer, or his successor in office shall, at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lot, tract or parcel of land, or parts thereof, described in such certificate, which conveyance shall vest the person or persons to whom the same shall be given, an absolute estate in fee simple, and the said conveyance, or the record thereof, shall be evidence that all the prior proceedings and said sale were regular according the provisions of this act, and any such conveyance executed by the treasurer under his hand and seal, and the execution thereof witnessed and acknowledged, as by law required in other cases, may be given in evidence and recorded in the same manner and with like effect as a deed regularly executed and acknowledged by the owner may be given in evidence and recorded, *Provided* that

Proviso.

CHAPTER 198. in case of an assessment in gross upon any lot, tract, or parcel of land, or any part thereof, the treasurer, upon the application of any claimant or owner of any part thereof, shall receive a part of the assessment, either in payment or redemption, with the interest and charges thereon, proportioned to the quantity of such lot, tract, or parcel of land so claimed or owned, and the remainder of such assessments, interest and charges shall be a lien upon the remainder only of such lot, tract, or parcel of land.

Statement of sale.

§ 9. Said treasurer shall, immediately after the close of such sale of lots, tracts, or parcels of lands, as hereinbefore provided, make out and file in the office of the Register of Deeds of the proper county, a statement containing a particular description of each lot, tract, or parcel of land, or part thereof, so sold by him, specifying the name of the purchaser and the amount for which the same was sold, and the Register shall record such statement in the record book of mortgages in his office.

Advertising fees, &c.

§ 10. All lots, tracts, or parcels of land advertised as provided in the eighth section of this act, shall be subject to a charge of five cents for each lot, tract, or parcel so advertised, and each lot, tract, or parcel of land or part thereof which shall be sold as aforesaid, shall be chargeable with the following fees: for each certificate to be given to any purchaser, twelve and a half cents; for certifying and recording the statements as provided in the last section, twelve and a half cents; for each conveyance executed in pursuance of the provisions of this act, one dollar.

Redemption.

§ 11. If any person who shall purchase any lot, tract, or parcel of land, or part thereof, shall have paid any taxes levied under any law of this state, and which shall be a lien thereon at any time subsequent to such purchase, the person or persons redeeming the same from the sale authorized by this act, shall also pay to the treasurer the amount of such taxes so paid, with interest thereon at the rate of twenty-five per cent. per annum, for the benefit of such purchaser.

Stock.

§ 12. If said city shall have taken stock in any incorporated company, in conformity with the provisions of this act, the shares of stock received by said city shall be held in trust for the persons chargable with and who may have paid the assessment as hereinbefore provided, and it shall be the duty of the proper

officer of said city, upon the application of any person who may have paid any such assessment, to transfer to such person an amount of stock equal to its par value to the assessments so paid; *Provided*, that in case application shall not be made for a transfer of any such stock by the person entitled thereto within two years after such assessment shall have been paid, the said stock may be disposed of at its par value to any other person, and the proceeds thereof held in trust, as hereinbefore provided.

§ 13. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

CHAPTER 126.

AN ACT to amend an act, entitled "an act to incorporate the Manitowoc Two Rivers and Mischicott Plank Road Company."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act above recited is hereby amended as follows: Insert after the word "gravel," in the sixth line of section five, the words "tan bark and sawdust." Amendment.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1859.

CHAPTER 127.

AN ACT to incorporate the Arena Bridge Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as folows:

SECTION 1. Gideon M. Ashmore, S. H. Bassinger, B. S. Thomas, W. A. Brodie, A. W. Curtiss, P. L. Mohr, Henry Rowell and W. H. Brisbane, are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Arena Bridge Company, hereby incor- Commissioners

CHAPTER 127. porated, and said commissioners may open books to receive such subscriptions, at such time and place as they may designate, and keep the same open until the stock of said company shall be subscribed.

Capital stock. § 2. The capital stock of said company shall be divided into ten hundred shares of thirty dollars each, and the subscribers to such stock, and their successors and assigns shall be, and they are hereby declared and created a body corporate and politic, by the name and style of the Arena Bridge Company, with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a corporation. They may in their corporate name sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered unto, may have a common seal, which they may alter, break, or renew, at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of said corporation.

lection of Directors. § 3. Whenever the capital stock of said company shall be subscribed to the amount of five thousand dollars, said commissioners, or a majority of them, shall call a meeting of said stockholders for the purpose of electing three directors, and thereafter three directors shall be chosen by the stockholders annually, at such time and place and in such manner as shall be prescribed by the by-laws of said company. In all elections by the stockholders they may vote in person or by proxy, and every share of stock shall be entitled to one vote.

Management of affairs. § 4. The directors for the time being shall manage all the affairs of said company, shall chose one of their number president, and appoint such other officers and agents as the may think necessary. They shall hold their offices for one year, and until other directors are elected, and make and establish such by-laws, rules and regulations as they may think proper, not inconsistent with the constitution and any laws of this State. They shall determine the time and manner and proportions in which the stocknolders shall pay instalments on their respective shares, and may forfeit to the use of the company any share upon which such instalment shall not be paid when due. Also, said bridge shall be commenced within one year, and completed within three years from the passage of this act, and shall conform to the provisions of the general laws in relation to the construction of bridges across the Wisconsin river, and

no lands shall be occupied without due compensation to the owner or owners thereof.

Toll bridge.

§ 5. The said company shall have power to erect, maintain, and keep in repair a toll bridge across the Wisconsin river from the south bank of said river, at any point they may think proper in section nine, town eight, north of range five east, in the county of Iowa, to the north bank of said river, and to make use of any island in said river, either in the construction of of the bridge, or for a road between the differrent parts of said bridge, which bridge may be built in different parts between the main shores and the islands contiguous thereto, and after said bridge shall be completed, the said company shall have the right and authority to demand, receive and collect toll for passing the same as follows: For any vehicle drawn by two animals twenty-five cents, for every additional animal six cents, for every vehicle drawn by one animal twenty cents, for single horses, oxen, mules, or other animals not in droves, six cents each, for animals in droves of less than fifty three cents each, and for all over fifty two cents each, for foot passengers three cents each.

Refusal to pay toll.

§ 6. If any person shall pass said bridge, either on foot, or with any vehicle or any animal, and shall refuse to pay the toll, authorized by this act to be collected, therefore he shall be deemed a trespasser, and the said company shall have a right to collect said toll in an action of tresspass, with full costs of suit, before any justice of the peace of the county.

§ 7. It is hereby declared that in the judgment of the legislature of this State, the objects of the corporation hereby created cannot be attained under general laws.

§ 8. Any future legislature may alter or amend this act.

§ 9. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

CHAPTER 128.

AN ACT to amend chapter 389 of the private and local laws of 1856, entitled "an act to incorporate the Grand Rapids University."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section four of chapter three hundred and eighty-nine of the private and local laws of 1856, entitled "an act to incorporate the Grand Rapids University," is hereby amended, by striking out the word "fifteen," in the first line thereof, and insnrting in lieu of the word so stricken out, the word "nine;" also, by striking out of the fifth line of said section, the words "September, 1856," where they occur, and inserting in lieu of the words so stricken out, the words "June, 1859," and the said act as amended is hereby declared to be in full force.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

CHAPTER 129.

AN ACT to amend chapter fifty of the privtae and local laws of 1855, entitled "an act to incorporate the Appleton Manufacturing and Water Power Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section three of said act is hereby amended by adding after the word "obtained," the words: or across any meandered stream when they or those under whom they claim are reparian proprietors on both sides of such stream, and the stream or the part where the said company build such dam is not actually navigable or used for navigation; *Provided*, that in the lattter case they shall construct and maintain a sufficient chute for logs; and further, they shall have power to construct and maintain a bridge, not less than sixteen feet wide, either with or without such dam, across Fox river at Appleton, at any point between the upper and lower Grand Chute dams of the Fox and Wisconsin Improvement Company, when the river is

not actually navigable, and when they or those under whom they claim own the land on both sides of said river, and to exact and receive for persons or animals passing on such bridge, the same rates of toll as are provided for in the "act incorporating the Central Bridge Company." Approved March 24, 1855.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

CHAPTER 130.

AN ACT to provide for laying out a state road from Ironton, in Sauk county to Linden Station, in Juneau county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners to lay out road.

SECTION 1. Lyman Clark, Jonas Tower, and Edward Mayher are hereby appointed and constituted commissioners to lay out a state road from Ironton, in Sauk county, to Linden station in Juneau county; *Provided*, that the state shall not be liable to pay any expense of laying out said road.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

CHAPTER 131.

AN ACT for the preservation of Fish in Green Lake.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Seines, nets, &c

SECTION 1. It shall not be lawful for any person or persons to draw or use any seine or net, pot or traps in the lake known on the maps as "Green Lake" or its inlets or outlet situated in the towns of Dayton, Brooklyn and Green Lake, in Green Lake county, in this state, for the purpose of catching fish.

Gill net, &c.

§ 2. It shall not be lawful for any person or persons to use or set any gill net in said lake or its inlets and outlet of said lake, for the purpose of catching fish.

CHAPTER 132.

Obstructions.

§ 3. It shall not be lawful for any person or persons, to build any dam, weir, or other obstruction in the inlets or outlet of said lake for the purpose of catching fish.

Fine for violation of act.

§ 4. Any person or persons offending against the provisions of either of the foregoing sections, shall be subject to a fine of not more than ten dollars nor less than three dollars, for each and every such offence, to be recovered in an action in the name of the state of Wisconsin, before any justice of the peace, of the county in which the offence may be committed.

Duty of Justices of the Peace

§ 5. It shall be the duty of any justice of the peace residing in the county in which any such offence shall be committed, on filing with him a complaint by any person, in writing, under oath, stating the time when, and the place where, and the name of the person or persons, by whom the offence above described has been committed, to cause such person or persons to be arrested and brought before such justice, or some other justice of the same county, and upon conviction, shall impose such fine as he shall deem just, not inconsistent with the foregoing sections of this act, which fine when collected, said justice shall pay one half to the complainant, and the balance into the county treasury, as provided by law.

§ 6. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

CHAPTER 132.

AN ACT to amend an act entitled an act to incorporate the city of Beaver Dam, approved March 18th, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Term of office.

SECTION 1. The terms of office of the city and ward officers of the city of Beaver Dam, shall commence on the second Tuesday of April, after their election.

Neglect to qualify.

§ 2. Any city or ward officer, who shall neglect or refuse to qualify on or before the second Tuesday of April, after his election, shall be deemed to have vacated his office, and the common council shall proceed

to fill such vacancy, as now provided in the charter of said city of Beaver Dam. CHAPTER 133.

§ All that part of the first ward of the city of Beaver Dam, lying north of the Beaver Dam river, and mill pond and west of Center street, is hereby detached from the first ward, and attached to the fourth ward of said city, and shall hereafter form a part of said fourth ward for all purposes whatsoever.

§ 4. All such parts of the act of which this is amendatory, and of the several acts amendatory thereto, which conflict with the provisions of this act are hereby repealed. Repealed.

Approved March 14, 1859.

CHAPTER 133.

AN ACT to amend an act entitled an act to incorporate the Peshtigo Lumbering and Manufacturing Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Peshtigo Lumbering and Manufacturing Company, a corpotation created by and existing under the laws of this State, and now duly organized and doing business in Oconto county and elsewhere under the provisions of its charter, shall hereafter be known, in all places and courts whatsoever as and shall be called, "The Peshtigo Company," instead of the Peshtigo Lumbering and Manufacturing Company. Name changed.

§ 2. The said company may increase its capital stock from time to time hereafter as it may deem expedient, to an amount not exceeding the aggregate amount invested in the property and business of said company. Capital stock.

§ 3. The said company, for the purpose of improving the mouth of the Peshtigo river, by increasing its facilities as an entrance and harbor for vessels and other water craft, may construct a harbor, pier or piers, breakwaters or wharves on one or either side of the mouth of said river, and may also improve the same by excavation at and within and without the mouth of said river, or both, or otherwise, and shall have and exercise authority, and the right and power is hereby granted said company to extend any such pier or piers, breakwaters or wharves which may be built or caused Powers of Company.

to be built or constructed by such company, from or within the mouth of said river into Green Bay to such distance as it shall, from time to time deem expedient. And the said company shall also have the right to extend such structure or structures at the mouth of said Peshtigo river, either way, along the shores of Green Bay, on either or both sides of said river, and shall have the right, after condemnation, appraisal and payment for the same as hereinafter provided, to take, use and occupy so much of the land at the mouth of said river, and along and adjacent to the shores of Green Bay, on either side of the mouth of said Peshtogo river, whether under or above water, as they shall deem necessary to the construction, preservation, use or protection of said proposed entrance and harbor, piers or structures, and so much as their engineer or engineers shall certify to them in writing is in his or their opinion requisite, necessary and prudent to possess, have and maintan for the said purposes, or to use and occupy to secure and protect said harbor entrance, or to confine the passage and discharge of the waters of said river within the channel and entrance at the mouth thereof, and within or near the pier or piers or other structures mentioned, or in order to prevent all damage of the passage of the waters of said river into said Green Bay at any point along the banks of said river or shores of said bay by openings or passages occasioned by depressions in surface, by rise of waters in said river or in said bay, or by abrasions of the shores of said bay or river, or otherwise.

Improvement of channel, &c.

§ 4. The right and power is also hereby granted to said Peshtigo Company to deepen, regulate, change and improve the channel of said Peshtigo river and its tributaries, from the mouth of said river up to such extent as said company from time to time may be disposed to do, either by dams, wing-dams, locks, excavations or otherwise, with a view to the better navigation of said river and its tributaries by vessels, steamers, scows, boats, rafts, logs, masts, timber, posts, lumber or other vessels or materials, with the right in said company to charge and collect at law reasonable tolls for the use of such improvements by others, and with the right to take and hold by deed of gift or purchase, or by condemnation, appraisement and paymenment, as is hereinafter provided, such property as may be necessary to the construction and protection, use or maintenance of

such improvements as said company may make for the better use or navigation of said river.

Duties of Company.

§ 5. The said Peshtigo company, before entering upon and taking such lands as may not be owned or possessed by them, at and near or within the mouth and along the banks of said Peshtigo river, and along the shores of Green Bay on either side of said river, as may be necessary for the construction or protection of such harbor improvement and entrance for vessels and other water craft, or necessary for the construction, protection or maintenance of convenient landings, wharves or depots within said harbor entrance for rafts, scows, floats, cribs, logs, timber, lumber, vessels and other water-craft that may approach, arrive at or enter the same, or make fast to, or lie or load and unload at, and do business upon, and as may be necessary for the improvement of the navigation and uses of said river and its tributaries, from its mouth up, shall either own or possess such land so to be occupied by said piers, breakwaters, structures, wharves and depots by gift or purchase, or by right of possession or occupation, or shall proceed to have the same condemned, appraised and paid for in the manner hereinafter provided. And all lands, real estate, rights, franchises and property which said company shall acquire by such condemnation, appraisal and payment, under and by virtne of this act, or the act of which this is an amendment, for the purposes of the improvement of the entrance and harbor at the mouth of said Peshtigo river, or for the purposes of improving the navigation of said river and its tributaries from its mouth up, shall be deemed to be acquired for public use. And the said company shall have the right to charge and collect reasonable tolls for the use of said piers, wharves, docks, depots, harbors, and other improvements which may be so constructed by them, as and in the manner provided in their charter, to which this is an amendment.

Title to property, &c.

§ 6. The said company may own and hold the title to such vessels, steamers and other craft as they may have occasion to build or purchase, or use in connection with their business, and in the transportation of the manufactures, materials or other things incident thereto or connected therewith, and may purchase, take or hold, by deed or lease or otherwise, within or without the State, such wharves, lots, lands, landings, lumberyards, property, stores or storehouses, and may erect and build

CHAPTER 188. such structures, and make improvements thereon, and carry on their business of manufacturing, buying and selling therein and thereon, as shall, in their judgment, promise to prove to their interest and advantage; and may do generally all other acts and things without the State which they might do within the State, and all the property of the said company, whether within or without the State, shall be subject to the debts and liabilities of said company, but the stockholders thereof shall not be individually liable therefor.

Commissioners to appraise lands.

§ 7. In all cases when it shall be necessary for said company to enter upon and occupy for the purposes hereinbefore specified, any land which shall not belong to said company, the county judge of the county of Oconto shall be a commissioner to appraise the damages and compensation to which the owner of the lands may be entitled for the taking and using of the same.

Valuation of lands.

§ 8. Said Commissioner, having first taken an oath justly and impartially to appraise the lands required for the use of said company, shall proceed to view the lands so to be appraised, and after such examination and hearing such proof as he may deem necessary to a full understanding of the value of said lands, shall make up and sign his award of the damages, embracing therein a description of the land in respect to which it was found, which award shall be properly acknowledged by such commissioner, and filed in the office of the Register of Deeds of Oconto county.

Grievances.

§ 9. Either party feeling agrieved by any such appraisal of land or damages, is authorized to appeal therefrom within thirty days after the filing of such award in the office of the Register of Deeds of said county, to the circuit court of said county, by causing a notice in writing to that effect to be served upon the opposite party, or leaving such written notice with said Register of Deeds.

Possession of lands.

§ 10. If at any time within forty days after such award shall have been made and filed as aforesaid, the said company shall, by any of its officers or agents, pay or make a legal tender to the person entitled to receive the same the amount of such award, if he be a resident of said county, or deposits the same with the county treasurer of said county for the use of such person or persons if he be a non-resident, then immediately upon and after either making such payment, tender or deposit, such company shall be entitled to take possesion of, oc-

cupy and use said lands, *Provided* that in case of an appeal by either party, said company shall be entitled to enter upon and take possession of said lands after depositing the amount of such award with the county treasurer as aforesaid, and the owner of such lands shall not be entitled to the possession of such money until the determination of such appeal.

§ 11. This act shall take effect and be in force from and after its passage.

Approved, March 15, 1859.

CHAPTER 134.

AN ACT to amend chapter 195 of the private and local laws of 1857.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section two, of chapter one hundred and ninety-five, of the private and local laws of the year eighteen hundred and fifty-seven, is hereby amended so as to read as follows: Also, to maintain a boom on the south side of said river, commencing at said dam and running up said river in front of lots two and three, in section twenty-six, and lot one, in section twenty-three, in said town twenty-eight, with the privilege of swinging a boom across said river, at the head of said boom, in front of lot two, section twenty-five, in said town twenty-eight, for the purpose of divding logs, whenever the convenience of the parties named in the first section shall require the same; *Provided*, That said boom shall be so constructed as not to prevent the free and unobstructed passage of all rafts, logs and other lumber passing down said river belonging to other persons.

Ib.—damages.

§ 2. Section 3 of of said chapter is hereby amended by adding the following thereto: Any damage which may be sustained by any person, by reason of the swinging of a boom across said river, in front of said lot two (2), section twenty-five, as authorized by the preceding section, may be ascertained in the same manner and with like force and effect as hereinbefore provided, in relation to the overflowing of lands by the erection of said dam, with like privilege of appeal.

Approved March 15, 1859.

CHAPTER 135.

AN ACT to amend chapter 196 of the laws of Wisconsin for the year 1852, entitled "an act to authorize the company therein named to extend their road.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Sections twenty-two and twenty-three of chapter 196 of the laws of Wisconsin for the year 1852, are hereby so amended that the time for the commencement and completion of the extension of the road therein named is extended for the term of ten years from and after the time limited by said section twenty-three; and said sections shall have the same effect and be in as full force as if the time herein provided for the construction of said road had been originally embraced in said sections, and all act or parts of acts, so far as they contravene the provisions of this act, are hereby repealed.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1859.

CHAPTER 136.

AN ACT to vacate certain blocks and streets in the village of Waupun.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Declared vacated.

SECTION 1. Blocks "A" and "B," in the village of Waupun, except lots one and two in said block "B," and Mill and Centre streets, in said village, except eight rods of the east end of said Centre street, are hereby declared vacated, and it is the opinion of the legislature that the purposes sought to be obtained by the passage of this act, cannot be obtained under the provisions of any general law of the state.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1859.

CHAPTER 137.

AN ACT to incorporate the village of Winneconne.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The inhabitants of the district included in the following limits, to wit: Lots No. one (1), two (2), three (3), four (4), five (5), and six (6), on section No. twenty-one (21), and lots No. two (2), and the south-east fractional quarter of section No. sixteen (16), and the west half of the south-west quarter of section No. fifteen (15), and the west half of the north-west quarter, and the north-west quarter of the south-west quarter of section No. twenty-two (22). of township No. nineteen (19), north of range No. fifteen (15), east, in the county of Winnebago and state of Wisconsin, are hereby created a body corporate and politic, by the name and style of the president and trustees of the village of Winneconne, and by that name shall be capable of contracting and being contracted with, of sueing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places, and in all matters whatsover, with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal, and may change the same at pleasure, and shall be competent to have and exercise all the rights and privileges, and be subject to all the duties and obligations pertaining to a municipal corporation. Boundaries.

§ 2. The said corporation shall be divided into two wards, in manner following, to wit: All that part of said district of country comprised in the limits described in the first section of this act, which lies south of Wright's street, in the village of Winneconne, and south of a line running directly east and west from said street through said corporation, shall be the first ward; all of said district which lies north of said Wright street, and north of a line running directly east and west from said street through said corporation, shall be the second ward. Wards.

§ 3. The government of said corporation and the exercise of its corporate powers, and management of of its fiscal, prudential and municipal concerns, shall be vested in a president and six trustees, and such other officers as are hereinafter provided for. Government.

CHAPTER 187.

Election of officers.

§ 4. The election of officers of said corporation shali be, one president, three trustees for each ward, one marshall, one treasurer, and one assessor for each ward, to be elected by the quilified voters thereof, at the annual election of said corporation, to be held in each ward on the first Monday in May of each year, and shall hold their respective offices for one year, and until thier successorf are elected and qualified.

First election.

§ 5. At the first election, and at all subsequent elections of officers in said corporation, every person residing therein, qualified to vote for town officers in the town in which said corporation is situated, and shall have resided in the ward twenty days next preceding the election at which he may offer his vote, shall be entitled to vote in such ward for any officer required to be elected by this act, and the person or persons having the highest number of votes shall be declared duly elected. Whenever any person shall present himself to give his vote, and either of the judges shall suspect that such person does not possess the qualifications of an elector, or if his vote shall be challenged by an elector, the judges, or some of them, before receiving the vote of an such person, shall cause suce person to take an oath that he possesses the qualifications prescribed in this section of this act, and that he has not voted at such election. If the person offering to vote shall take such oath, his vote shall be received; and if any person shall take [such] oath, knowing it to be false, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof, shall suffer such punishment as is now, or shall hereafter be provided by law for persons guilty of perjury. If any person who is not a qualified voter, shall vote at any election, or if any person duly qualified shall vote in any ward in which he does not reside, or shall vote more than once at any one election, he shall forfeit and pay a sum, not exceeding fifty dollars, nor less than ten dollars, to be received [recovered] in the same manner as other penalties are received [recovered] under this act.

Illegal voting.

Officers to be elected.

§ 6. At the first and every subsequent election the electors in their respective wards shall vote for one president, three trustees of the wards in which they may vote, one marshall, one treasurer, and one assessor for the ward in which such assessor may reside.

Places of holding elections, &c.

§ 7. The supervisors, or two or more justices of the peace of the town of Winneconne, shall, at least ten

days previous to the first election of officers in said village, appoint the places of holding each election, and appoint judges and clerks thereof, and shall give notice of such appointments, by posting notices in three of the most public places in said village, or by advertising in some public newspape published in the county of Winnebago, and after the first election it shall be the duty of the president and trustees to provide the places of holding elections in said village, and to appoint judges and clerks thereof, provide for making and directing the returns of elections, the time and manner of opening the returns and making an abstract thereof, and of keeping a journal of the same, and may make such other arrangements concerning such elections as may be lawful and convenient to the citizens of said village.

Oath of office, &c.

§ 8. The supervisors of the town of Winneconne shall determine who shall have been properly elected at the first election, and the chairman of the board of supervisors of said town shall administer the oath of office to the first president, and such president shall administer the oath of office to all the trustees and other officers who have been declared to be duly elected. All subsequent elections shall be determined by the president and trustees, and the new president may in every case be sworn into office by his predecessor, and he administer the oath to all newly elected officers. In case of a tie between two candidates at any election, the election of one or the other of them shall be determined by lot, in presence and under the directions of the president and trustees; *Provided*, That in case of the absence of any of the supervisors of the town of Winneconne, or of his inability to perform any duty required of him by this act, it may be performed by any justice of the peace residing in such village.

Duties of President.

§ 9. The president shall preside at all meetings of the trustees, keep the seal of said corporation, sign all commissions, license and permits which may be granted by the trustees; he shall maintain peace and good order, and see that the ordinances of the village are observed and executed; he shall have power to administer oaths or affirmations, and to take and certify acknowledgments of deeds and other instruments in writing, as a judicial officer; he shall have concurrent jurisdiction with the justices of the peace of the county of Winnebago, of all cases for the violation of any

CHAPTER 187.

Special meetings.

§ 16. Special meetings may be called by the clerk of said village, by order of the trustees thereof, by giving six days notice thereof in writing, posted up at three of the most public places in said village; every notice of such meeting shall state the objects for which such meeting is called.

Vacancies in office.

§ 17. Any vacancy in the office of president, trustee, marshal, treasurer or assessor, may be filled at special meetings, called in the manner prescribed in the preceding section.

Ordinances, &c.

§ 18. The president and trustees shall have power to enact, establish, publish, enforce, alter modify, amend, or repeal all such ordinances, rules and by-laws for the government and good order of the village, for the suppression of vice, for the prevention of fires, for the benefit of trade and commerce, and for the preservation of public health thereof, as they may deem expedient, declaring and imposing penalties; and to enforce the same against every person who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and to have the force of law. *Provided*, That they be not repugnant to the constitution and laws of the United States, or of this State, and for those purposes shall have authority by ordinance or by-law to organize fire companies, hook and ladder companies, to regulate their government and the time and manner of their exercise, to provide all necessary apparatus for the extinguishment of fires, to require the owners of buildings to provide and keep suitable ladders and fire-buckets, which are hereby declared to be appurtenances to the real estate aud exempt from seizure, distress or sale in any manner, and if the owner shall refuse to procure suitable ladders or fire-buckets, after reasonable notice, the trustees may procure and deliver the same to him, and in default of payment therefore, may recover of the said owner the value of such ladder or fire-buckets, or both, with costs of suit; to regulate the storage of gunpowder and other dangerous materials, to direct the safe construction of places for the deposit of ashes, to appoint one or more fire wardens, to enter into, at reasonable times, and examine all dwelling houses, lots, yards, enclosures, and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition, to regulate the maner

Proviso.

Fire Wardens.

of putting up stoves and stove pipes, to prevent fires, and the use of fire-works and fire-arms within the limits of said village, or such part thereof as they may think proper, to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull or break down and raze such buildings in the vicinity of the fire as shall be directed by the trustees, or any four of them, who may be at the fire, for the purpose of preventing its communication with other buildings, and any building so destroyed shall be paid for by the corporation; to construct and preserve the reservoirs, pumps, wells and other water-works, and to regulate the use thereof, and generally to establish other measures of prudence for the prevention or extinguishment of fires as they may deem proper.

Public health.

Second. To prevent, abate and remove nuisances, and take such measures for the public health as they may deem proper, and compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer, slaughter house, or other unwholesome or nauseous houses or places, to cleanse, remove or abate the same, from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said village.

Licenses.

Third. To license and regulate exhibitions of any natural or artificial curiosities, caravans, circuses, or theatrical performances, under the ordinances or common law.

Gambling.

Fourth. To restrain ane prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purposes of gaming in said village.

Riots, &c.

Fifth. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses, or houses of ill-fame, shows and exhibitions.

Sixth. To direct the location of all slaughter houses and markets.

Encumbering of streets, &c.

Seventh. To prevent the encumbering of the streets, side-walks, alleys, or public grounds, with carriages, carts, wagons, sleighs, boxes, lumber, fire-wood or other material or subftances whatever.

Horse racing, &c.

Eighth. To prevent horse racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said corporation.

CHAPTER 187.

Ninth. To restrain the running at large of cattle, swine, sheep, horses and other animals, and to authorize the restraining and the sale of the same, or to impose a fine, not exceeding five dollars, for every such animal found so going at large in viclation of the laws of the village.

Tenth. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances, or to impose a tax on the same,

Public health.

Eleventh. To prevent any person from bringing, depositing, or having within said village, any putrid carcass, or any unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance, or any putrid or unwholesome beef, pork, fish, hides, or skins of any kinds, and, in default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Board of health

Twelfth. To establish and regulate boards of health, burial of the dead, and the returns of the bills of mortality, and to exempt burial grounds, set apart for that use, from taxation.

Thirteenth. To provide for the protection and security of bridges.

Fourteenth. To prevent all persons riding or driving any horse, ox, mule, cattle, or other animals, on the side-walks, or in any way doing any damages to such side-walks.

Intemperance.

Fifteenth. To restrain drunkards, immoderate drinking, or obscenity, in the streets of said village, and to provide for the arresting, removing and punishing any person or persons who may be guilty of the same; to regulate the licensing and sale of intoxicating liquors therein.

Sixteenth. To protect the trees and monuments in the village.

Grade of streets

Seventeenth. To establish the grade of all streets in said corporation, and to to appoint a surveyor and prescribe his duties, and fix his compensation, not to exceed the pay allowed by law to others for like services.

Violations of ordinance.

§ 19. In all cases in relation to which, by the provisions of this act, the president and trustees have power to enact or pass ordinances or by-laws in relation to any subject, they may prescribe any penalty for the

violation of such ordinances or by-laws, not exceeding fifty dollars for any one offense in violation of or non-observance thereof, and may also provide that in default of non-observance, the offenders may be imprisoned for such term as they may by such ordinance direct, not exceeding thirty days, for which purpose the said village shall have the use of the jail of Winnebago county for the imprisonment of any person liable to be imprisoned, and all persons committed to said jail by the marshal or any other officer of said corporation shall be under the charge of the sheriff of said county.

Ibid.

§ 20. On all suits for the violation of any ordinance of the village, the process may be by warrant, and it shall be sufficient without setting forth the special matter, to declare generally in debt with reference to the ordinance under which the action is brought, the defendant may plead the general issue and give the special matter in evidence, and a printed copy of any ordinance published in a newspaper or pamphlet by authority of the trustees shall be prima-facia evidence of the passage and publication of such ordinance.

Ib.—fines, penalties, &c.

§ 21. Every execution issued upon judgment for the violation or non-observance of any ordinance or by-law of said village shall contain a clause, directing in the event of non-payment of the judgment, the imprisonment of the defendant in the county jail for such term as shall have been provided for, by the ordinance under which the judgment shall have been rendered, all fines, penalties and forfeitures when collected shall be paid into the treasury of said village.

Publication of ordinance.

§ 22. Any ordinance, regulation, rule or by-law imposing a penalty for the violation of its provisons shall be published one week in some newspaper in the county before the same shall be in force, and proof of such publication by affidavit of the printer or foreman in the office of such newspaper or by producing such newspaper containing such publication, shall be conclusive evidence of the publication, and promulgation of such ordinance, regulation, rule, or by-laws in all courts and places.

Incompetent Judges, &c.

§ 23. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said village, in any action or proceeding in which said village is a party interested.

§ 24. The trustees shall have power to appoint one

CHAPTER 197.

Street Commissioners.

street commissioner to lay out, open and keep in repair, grade, pave, or otherwise improve streets, avenues, lanes, alleys, sewers, side walks and cross walks, to insure the public property of the village, to direct the prosecution and defense of suits in which said village may be a party; to procure the necessary blank books for records, and such other stationery as may be required for village purposes; to audit and allow all lawful accounts against said village, and to draw an order on the treasury for the payment of the same, to determine the compensation of the president, clerk, marshal, treasurer, assessors and street commissioners, subject to the provisions of this act, to levy and collect taxes on all such property as shall be subject to town and county taxes; *Provided*, that in any one year the taxes for corporation purposes shall not exceed one per cent. on the assessed valuation of the taxable property of said village, unless two-thirds of the electors of said village voting at a meeting regularly called for that purpose, shall vote to allow a larger sum to be raised, but in no case shall the electors be allowed to raise more than two per cent. on the assessed valuation as aforesaid.

Proviso.

Claims, &c.

§ 25 No account or claim against said village shall be paid until it shall have been presented to the trustees thereof, and audited and allowed by them, and when any such account shall be so audited, the trustees so auditing the same, shall endorse thereon or annexed thereto, a certificate subscribed by them, of such auditing and allowing or disallowing the same, in which the sum allowed, if any, and the charges for which the same was allowed shall be specified.

Ibid.

§ 26. No such account or claim shall be audited or allowed by the trustees until it shall be made out in items and shall shall be accompanied by an affidavit of the person claiming to have done the services or made the disbursement therein charged, that the several items of the account or claim are correct, and the services therein charged have been rendered and that the disbursements therein charged have been made, and that no part thereof has been paid, such affidavit shall be endorsed on or annexed to such account or claim and presented therewith, any one of the trustees when any such account or claim shall be presented to them may administer the oath required in this section, and the said trustees may examine the claimant on oath as to the items in such account or claim.

§ 27. Nothing in the last preceding section shall be construed to prevent the trustees from disallowing any account or claim in whole or in part when so made out and verified, nor from requiring other and further evidence of the correctness and reasonableness thereof. Ibid.

§ 28. Every account or claim against said village presented to the trustees in any year shall be numbered from one upwards, in the order in which it shall be presented, and a memorandum of the time of presenting the same, the name of the person in whose favor it shall be made out of the person by whom it shall presented shall be entered in the records of the proceedings of the trustees. Ibid.

§ 29. Every warrant drawn by the trustees to pay any account or claim, shall refer to such account by the number, the name of the person in whose favor it was made out, and the time when it was presented, and a memorandum of such reference and of the amounts of the warrant shall be entered in such records before such warrant shall be delivered to the claimant. Treasurer's warrants.

§ 30. No trustee shall allow or subscribe a certificate of allowance of any item in any account or claim against said village which said village shall not be legally bound to pay, or for the payment of which it could not lawfully raise money therein by tax, nor shall any trustee sign any warrant for the payment of any such account or claim or any part shereof. Financial.

§ 31. No such account or claim shall be paid except by the treasurer on the warrant of the trustees endorsed on or annexed to the account or claim for which it shall be drawn. Ibid.

§ 32. Whenever any such account or claim shall be paid, it shall together with the affidavit presented therewith to the trustees, the certificate of auditing and allowing the same, and the warrant drawn for the payment of the same, be filed and preserved in the treasurer's office. Ibid.

§ 33. Said village shall have no power to borrow money, nor shall it be liable to pay money borrowed on its account, or advanced in its behalf by its officers or any other person, nor shall any of its money or property be applied to any such purposes, nor shall the village incur any debt or liability in any year greater than the amount of tax allowed by this act, to be raised in said village in the year in which such debt or liability was incurred, unless two-thirds of the legal voters of said village shall vote in favor of such act. Power to borrow money.

CHAPTER 187.

Duty of Trustees.

§ 41. When such assessment roll shall be finally completed, the trustees shall cause to be levied such amount of tax as shall have been determined to have been raised, and shall set opposite to each description and valuation of taxable property the amount of tax charged upon such property, and to each person respectively; and when such tax list shall have been so completed, they shall forthwith cause a true copy thereof to be made and a warrant annexed thereto, and deliver such tax list and warrant to the marshal of said village, as hereinafter provided, and the original assessment roll and tax list shall be deposited with the treasurer of said village.

Tax warrant.

§ 42. The warrant annexed to any tax list delivered to the marshal as aforesaid, shall be signed by the presiden and countersigned by the clerk of said village, or in the absence of the president, such warrant shall be signed by a majority of the trustees; such warrant shall command the marshal to collect the taxes mentioned in such tax list in forty days, and pay over the same to the treasurer of said village, and make return of said warrant to said treasurer, the trustees may renew the warrant annexed to any tax list for thirty days when they shall deem it necessary, but any such warrant shall not be renewed more than once.

Duty of Marshal.

§ 43. Upon the receipt of the tax list aforesaid, it shall be the duty of the marshal to give public notice by publishing tho same in three public places in the village, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing such notice, and all taxes paid during said thirty days shall be subject to a deduction of five per cent. upon the amount paid.

Tax sale.

§ 44. If the taxes are not paid to the marshal within the said term, he may then proceed to collect the same by distress and sale of the goods and chattels of the person, charged, giving six days notice of the time and place of such sale by written notices set up in three public places in said village.

Duty of Marshal.

§ 45. It shall be the duty of the marshal within the time prescribed in any such warrant for the return thereof, to pay over all sums collected by him to the treasurer of said village, and to return such warrant to the said treasurer, with his return thereon written, subscribed by him and specifying any such sum or sums of

money not collected by him by reason of his not being able to find property in said village out of which he could collect the same, and if any sum be returned not collected by him, his return shall be accompanied by his affidavit that the facts therein stated are true.

Tax advertisement.

§ 46. In case the tax on any lot or parcel of land shall remain unpaid on the first day of October, it shall be the duty of the treasurer, within ten days thereafter to make out a general advertisement, stating that all lots or other pieces of land upon which the taxes have not been paid, will be sold by him at a certain time and place therein mentioned, for the purpose of paying the taxes which may be assessed thereon, together with all costs and other liabilities which may accrue by advertising and selling agreeable to the provisions of this act; said advertisement shall be published in a written notice set up in three of the most conspicuous places in the village.

Sale of lands.

§ 47. On the day and at the time and place mentioned in the notice, the treasurer shall commence the sale of lands and lots, and continue the same from day to day, until so much thereof shall be sold as will pay the taxes, interest, charges due, assessed and charged thereon, agreeably to this act, and the treasurer shall give to the purchasers of any lot or lots of land a certificate of the lots or lands purchased, stating the sum paid therefor, including fees, and the time the purchaser or purchasers will be entitled to a deed.

Affidavits, &c.

§ 48. Said treasurer shall immediately after the close of any such sale of lots or lands for taxes, deposited in the office of the clerk of said village all affidavits, notices and papers in relation to such tax sale, to to be filed in the office of said clerk, also a statement containing a particular description of each lot or parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and the name of the owner, if known; and the said treasurer and clerk shall record such statement in a book kept for that purpose by each of them in their respective offices.

Redemption of lands.

§ 49. If the person claiming the title to the lots or parcels of land so sold and described in said certificate given by the treasurer, shall not within two years from the date thereof, pay to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with interest thereon at twenty-

CHAPTER 167.

Duty of Trustees.

§ 41. When such assessment roll shall be finally completed, the trustees shall cause to be levied such amount of tax as shall have been determined to have been raised, and shall set opposite to each description and valuation of taxable property the amount of tax charged upon such property, and to each person respectively; and when such tax list shall have been so completed, they shall forthwith cause a true copy thereof to be made and a warrant annexed thereto, and deliver such tax list and warrant to the marshal of said village, as hereinafter provided, and the original assessment roll and tax list shall be deposited with the treasurer of said village.

Tax warrant.

§ 42. The warrant annexed to any tax list delivered to the marshal as aforesaid, shall be signed by the presiden and countersigned by the clerk of said village, or in the absence of the president, such warrant shall be signed by a majority of the trustees; such warrant shall command the marshal to collect the taxes mentioned in such tax list in forty days, and pay over the same to the treasurer of said village, and make return of said warrant to said treasurer, the trustees may renew the warrant annexed to any tax list for thirty days when they shall deem it necessary, but any such warrant shall not be renewed more than once.

Duty of Marshal.

§ 43. Upon the receipt of the tax list aforesaid, it shall be the duty of the marshal to give public notice by publishing tho same in three public places in the village, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing such notice, and all taxes paid during said thirty days shall be subject to a deduction of five per cent. upon the amount paid.

Tax sale.

§ 44. If the taxes are not paid to the marshal within the said term, he may then proceed to collect the same by distress and sale of the goods and chattels of the person, charged, giving six days notice of the time and place of such sale by written notices set up in three public places in said village.

Duty of Marshal.

§ 45. It shall be the duty of the marshal within the time prescribed in any such warrant for the return thereof, to pay over all sums collected by him to the treasurer of said village, and to return such warrant to the said treasurer, with his return thereon written, subscribed by him and specifying any such sum or sums of

§ 52. If any person who shall purchase any lot in pursuance of this act, shall pay any tax returned subsequent to such purchase on such lot or piece of land, shall pay to the treasurer the amount of tax, with interest at the rate of twenty-five per cent. per annum, for the benefit of the purchaser. Taxes.

§ 53. All taxes levied and collected by the trustees of said village for the purpose of repairing, grading, or improving roads, streets or alleys in said village, shall be expended within the limits of each ward respectively, in which the same has been assessed and collected. Ibid.

§ 54. The street commissioner of said village shall, under the direction of the president and trustees, superintend the grading, paving and improving of the streets, and the building of and repairing sidewalks, and the expenditure of the taxes levied and collected for that purpose, and shall receive such compensation for his services as shall be allowed by the trustees under the provisions of this act. Street Commissioner.

§ 55. Within ten days next preceeding every annual election, the trustees of said village shall cause to be published in three public places in said village, by setting up written notices, a statement which shall show the name of every person who shall had an account or claim allowed by them, the amount of such account or claim as presented, and the amount allowed by them, and a brief statement of the nature of the demand. The first statement so published shall embrace all accounts allowed to the time of publishing from the time of the incorporation of said village, and each subsequent statement shall embrace all accounts allowed to the time of publishing the last preceeding statement. Annual statement.

§ 56. The affidavit of any person competent to testify in a court of justice of the publication of any notice required by the provisions of this act to be published, shall be received as a proof of the publication of such notice in all courts and places. Proof of publication.

§ 57. If any election provided for in this act shall for any cause not be held at the time prescribed, it shall not be considered sufficient reason for arresting, suspending or absolving the said corporation, but such election may be held at any time thereafter by order of the supervisors of the town, otherwise by order of the trustees of said village, of which time ten days public notice shall be given; and further, if any of the duties Failure of election.

five per cent. per annum from the date of such certificate, the treasurer shall, at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lots or parcels of lands so sold, which conveyance shall vest in the person or persons to whom the same shall be given, an absolute estate in fee simple, and the same conveyance shall be evidence that the same was regular according to the provisions of this act, and any such conveyance executed by the treasurer, under his hand and the seal of the corporation, in the name and on behalf said village, and execution thereof witnessed and acknowledged, as by law in other cases provided, may be given in evidence and recorded in the same manner and with like effect as a deed, regularly acknowledged by the grantee, may be given in evidence and recorded: *Provided*, that in case of assessment of taxes in gross upon any lot or parcel of land, the treasurer, upon the application of any claimant or owner of a part thereof, either divided or undivided, shall receive the taxes on such part, either in payment or redemption, with the interest and charges thereon proportionate to the quantity of such lot or tract so claimed or owned, and the remainder of such taxes, interest and charges shall be a lien only on the remainder of such lot or piece of land.

Forfeited lands.

§ 50. In all cases before lands shall be conveyed as aforesaid, the treasurer shall advertise the same by a correct description thereof for six months in some newspaper published in the county of Winnebago, stating that all such lots or parcels of land will be forfeited if the taxes, interest or charges upon the same are not paid before the day mentioned in such notice.

Advertising fees, &c.

§ 51. All lots or lands which shall be advertised for sale for nonpayment of taxes, shall be subject to a charge of five cents for each lot or parcel of land so advertised for the first advertisement, and such lot or piece of land which shall be sold as aforesaid, shall be chargable with the following fees: for each certificate to be given to a purchaser of any lot at such sale, twelve and a half cents; for certifying the amount necessary to redeem any lot or piece of land, twelve and a half cents; and one dollar for each conveyance executed in pursuance of this act; the said fees to be paid by the person receiving such instrument. The charge for advertising the forfeiture of a piece of land shall be ten cents for each lot or parcel.

§ 52. If any person who shall purchase any lot in pursuance of this act, shall pay any tax returned subsequent to such purchase on such lot or piece of land, shall pay to the treasurer the amount of tax, with interest at the rate of twenty-five per cent. per annum, for the benefit of the purchaser. Taxes.

§ 53. All taxes levied and collected by the trustees of said village for the purpose of repairing, grading, or improving roads, streets or alleys in said village, shall be expended within the limits of each ward respectively, in which the same has been assessed and collected. Ibid.

§ 54. The street commissioner of said village shall, under the direction of the president and trustees, superintend the grading, paving and improving of the streets, and the building of and repairing sidewalks, and the expenditure of the taxes levied and collected for that purpose, and shall receive such compensation for his services as shall be allowed by the trustees under the provisions of this act. Street Commissioner.

§ 55. Within ten days next preceeding every annual election, the trustees of said village shall cause to be published in three public places in said village, by setting up written notices, a statement which shall show the name of every person who shall had an account or claim allowed by them, the amount of such account or claim as presented, and the amount allowed by them, and a brief statement of the nature of the demand. The first statement so published shall embrace all accounts allowed to the time of publishing from the time of the incorporation of said village, and each subsequent statement shall embrace all accounts allowed to the time of publishing the last preceeding statement. Annual statement.

§ 56. The affidavit of any person competent to testify in a court of justice of the publication of any notice required by the provisions of this act to be published, shall be received as a proof of the publication of such notice in all courts and places. Proof of publication.

§ 57. If any election provided for in this act shall for any cause not be held at the time prescribed, it shall not be considered sufficient reason for arresting, suspending or absolving the said corporation, but such election may be held at any time thereafter by order of the supervisors of the town, otherwise by order of the trustees of said village, of which time ten days public notice shall be given; and further, if any of the duties Failure of election.

CHAPTER 197. enjoined by this act, at a time herein specified by any ordinance of said village are not then done, the trustees may appoint another time in which the said duties may be performed, *Provided*, that the officers so failing to execute such duties at the time required, shall be liable to the same actions, fines and penalties as they would have been had not siad power been conferred upon or exercised by said trustees.

Removals, &c. § 58. The trustees shall have power to appoint, and at their pleasure to remove, the following officers, to wit: one chief engineer of the fire department, two fire wardens, and as many assistant wardens as they shall, from time to time, deem necessary; one sealer of weights and measures; sextons and keepers of burial grounds, and a street commissioner, and prescribe their duties and fix their compensation under the provisions of this act, and to impose, and enforce in law, such penalties as to the said trustees may seem proper, for any malfeasance or improper conduct of any of said officers, and to require bonds for the faithful performance of the duties of any such of them as may be deemed expedient and necessary by the trustees, *Provided*, that the trustees shall have no power to pay themselves any compensation for their services.

Quorum to do business. § 59. A majority of the trustees shall be a quorum for the transaction of business, but a less number may meet and adjourn from time to time until a quorum shall be present, but shall do no other business; and in the absence of the president, five trustees being present, one of their number may be appointed chairman pro tem.

Supervisors. § 60. The president of the board of trustees of said village, shall be a member of the county board of supervisors, and as such shall have all the powers and privileges of chairman of the town board of supervisors.

§ 61. In the judgment of this legislature, the objects of this bill [act] cannot be attained under any general law.

§ 62. This act shall be in force from and after its passage.

Approved March 16, 1859.

CHAPTER 138.

AN ACT to lay out a State Road from Baraboo to Cazenovia.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Edward Watson, William Palmer, U. W. Kester, of the county of Sauk, are hereby appointed commissioners to lay out a State road from the village of Baraboo, Sauk county, to Cazenovia, in Richland county, said road to run through the towns of Excelsior, Westfield, Washington, Marston, and upon the most feasible route, *Providing* the county of Richland shall not be compelled to pay any of the expenses for surveying or opening said road, or any expense that may occur therefrom. Commissioners to lay out road.

§ 2. There shall be no money drawn from the State Treasury to pay for laying or opening said road, which said road shall be of the width of four rods. Expense of opening road.

§ 3. This act shall be in force and take effect from and after its passage.

Approved March 16, 1859.

CHAPTER 139.

AN ACT to incorporate the village of Waterloo.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that section of country included in the south west quarter of section five, in town eight, north of range thirteen, east, in the town of Waterloo, county of Jefferson, and State of Wisconsin, and the south east quarter of section six in said town, and the north east quarter of section seven in said town, and the north west quarter of section eight, in said town, shall hereafter be known and distinguished as the village of Waterloo, and the inhabitants residing or who may reside within said limits are hereby constituted a body corporate and politic by the name of the village of Waterloo, and by that name they and their successors forever hereafter may have perpetual succession, and shall be a person in law capable of contracting and Territory of village.

CHAPTER 139. being contracted with, and of suing and being sued in all courts and places.

Manner of electing officers. § 2. It shall be lawful for the inhabitants of said village qualified to vote at any general election to meet, at the school house in said village, on the first Tuesday of April, A. D. one thousand eight hundred and fifty-nine, at ten o'clock, A. M., and choose viva voce two judges of election and one clerk, who together shall form an election board, and then and there said inhabitants shall elect by ballot a president, who shall be ex-officio a trustee, four trustees, one assessor, a clerk, a treasurer, a marshal, a superintendent of schools and two justices of the peace, *Provided*, that in case the officers aforesaid shall not be elected on that day the may at any time thereafter, on a call signed by twelve electors of said village, and ten days notice thereof being given by said electors, by posting up three notices of the time and place of said election in said village, and the constables of the said town of Waterloo shall be exofficio the constables of said village.

Elections. § 3. On the first Tuesday of April, in each year thereafter, there shall be an annual election of the officers of said village and the trustees shall give at least one week's notice of the time and place of holding the same; and they or any three of them shall be inspectors of such elections. All officers shall be elected by ballot as the law provides for the election of officers of towns.

Qualifications. § 4. No person shall be eligible to any of said offices unless he shall be a voter in said village, any person qualified to vote at any general election shall be a legal voter at any election of officers for said village.

Time of election § 5. At any election under this act the polls shall be open at ten o'clock, A. M., and continue open not less than four hours nor more than seven hours, during said day; and a plurality of votes shall in all cases decide the election.

Term of office. § 6. All of said officers shall hold their offices until the first Tuesday of April next, after their election, and until others are elected and qualified in their stead respectively, except the justices of the peace, who shall hold their office two years from the said first Tuesday of April and until [their] successors shall be elected and qualified in their stead.

§ 7. Any vacancy in the office of president, trustee,

or justice of the peace, shall be filled by special election, and any vacancy in any other of the said offices shall be filled by appointment by the board of trustees, a majority of which shall meet for that purpose, and any person appointed or elected to fill a vacancy, shall hold his office during the unexpired portion of the term, and until others shall be elected and qualified in their stead.

Vacancies—how filled.

§ 8. In all cases of an election or appointment of any person or persons to office; the board of trustees shall file with the clerk a certificate signed by a majority of the board, and attested by the president, specifying the name of the person or persons elected or appointed and the time of such election or appoiutment, and when the term of office of each will expire.

Certificates.

§ 9. The president may accept the writien resignation of any of said officers for good cause specified in said resignation, and when accepted he shall file with the clerk said resignation with his acceptance endorsed thereon, and the president for similar cause and in like manner may resign to the clerk, and in case of a vacancy in any or either of said officers, the clerk shall immediately notify the president in writing thereof, specifying in said notice the office so vacant, the name of the last incumbent and the unexpired portion of the term, which notice shall be laid before the board of trustees at their next meeting, and a copy thereof filed with the clerk.

Resignation.

§ 10. On the election of every justice of the peace in said village being certified to, the clerk shall immediately give notice thereof to the clerk of the Circuit Court of Jefferson county, specifying the name of said justice and the term for which he is elected, and if electéd to fill a vacancy, the name of the last incumbent; and in case of any election or appointment of president, superintendent of schools and treasurer in the said village, the clerk shall immediately, give like notice to the clerk of the board of supervisors of the said county of Jefferson, which said notice the clerk of the board of supervisors shall file in his office; and it is hereby provided and expressly declared that all the territory situated within said corporation, shall hereafter be distinct and separate for all purposes whatsoever from the said town of Waterloo, except for the purpose of electing a chairman of the booard of supervisors in

Clerk to give notice of election.

CHAPTER 139.

Village to be separate.

President to be member of Board.

said town of Waterloo, and for that purpose it shall be lawful for the voters residing in said village to assemble at the polls in said village on the first Tuesday of April of each year, or at such other time as may be hereafter provided by law for the election of town officers, and vote for a chairman of the board of supervisors of said town of Waterloo, and said votes for supervisors shall be canvassed and disposed of in like manner as is now provided by law in cases of special polls in towns, and said chairman of the said town board of supervisors when so elected shall be the representatives of said village in the county board of supervisors for all purposes whatsoever and in case said county board of supervisors shall be hereafter abolished, then it is hereby expressly provided, that all connection between the town and village of Waterloo shall thereafter cease and said village in that case shall be thereafter represented for county purposes by the president of said village. And the said board of trustees hereby authorized to open a poll in said village at any general or special election for county or state officers, and the qualified electors of said village may vote at said poll at any such election for all officers to be elected.

Duty of Sheriff.

Trustees to be Inspectors.

§ 11. The sheriff of the said county of Jefferson is hereby required to serve on the clerk of the said village, a notice of every such election in like manner as he is now required to serve notices of elections on town clerks; and the said board of trustees shall be inspectors of every such election, and shall have the same powers and be subject to the same requirements and laws in the proceeding and returns as the inspectors of such elections in the several towns.

Chairman of Board.

§ 12. The president shall be chairman of the board of trustees at each and every meeting thereof, and if he shall be absent at the time of any election held in pursuance of this act, such one of their number as the inspectors shall appoint, shall be chairman of said board, and if absent at any other meeting a majority of the trustees may elect one of their nhmber chairman pro tem.

Duties of Clerk.

§ 13. The clerk shall attend the meetings of the board of trustees and keep a record of the proceedings of said board and of all the votes of the inhabitants at any annual or special election, and shall perform such other duties as shall be lawfully required of him by the

said board, and the record kept by said clerk and copies of all papers required by this act and the by laws passed in pursuance of this act, filed in his office and certified by him, shall be prima facie evidence in all legal proceedings in any of the courts of this state, and perform all other duties (not inconsistent with this act) as are now performed by town clerks.

Duties of Marshal.

§ 14. The marshal shall possess all the powers of constables and be subject to the same liabilities; it shall be his duty to apprehend, with or without process, any person whom he may find in the act of committing any offence against the laws of the state, or ordinance of the village, and forthwith take such person or persons before any officer of competent jurisdiction for examination, or trial and conviction as the case may be, and for all such services he shall receive such fees as are allowed to constables for like services.

Duties of Treasurer.

§ 15. The treasurer of said village shall be also the collector of taxes levied for state, county, school and village purposes and shall perform all such duties and exercise all such powers as may be lawfully required of him by the ordinances of the trustees, or the laws of the state. All moneys received by means of any tax, license, fine, forfeiture or otherwise, under the authority of this act, or which may belong to the village, shall be paid into his hands and shall not be drawn therefrom, except by an order made by the trustees, signed by the president and attested by the clerk; he shall keep an accurate account in a book provided by the village for that purpose, of all moneys coming into his hands as treasurer, he shall as often as required by the trustees, render an account of receipts and expenditures, and at the expiration of his term of office shall hand over to his successor in office all moneys, books, papers, and other property in his possession, belonging to said office; the said treasurer shall have the same powers, and make his return to the county treasurer, be subject to the same liabilities and laws, and receive the same compensation as town treasurer.

Duties of Superintendent of Schools.

§ 16. The superintendent of schools, elected by virtue of this act, shall have and exercise the same powers and duties and be subject to the same liabilities and regulations as superintendents of towns. It shall be his duty to visit the school in each school district, *Provided* said school district be located within said village; to examine all persons making application for said

CHAPTER 189. schools as teachers; to grant them certificates to teach therein, and the certificates granted by him shall be evidence that the person or persons to whom the same were given are duly qualified, and he may by giving any teacher within said village ten days notice, for good cause, annul said certificate. In all cases of a division or alteration of any school district, a part which shall be situated within said corporation, the superintendent of the schools thereof shall be associated with the superintendents of the towns authorized to make such alteration or division, and no alteration or division shall be made without his approval; and the clerk of any such school district shall make the same report to the superintendent of the said village as by law he is now required to make to the town superintendent of schools, and he shall not hereafter be required to make a report to the town superintendent, nor shall said district clerk hereafter be required to make a report to the town clerk; but such as he has heretofore been required to make to the town clerk in relation to schools, he shall now make to the clerk of said village.

Clerk.

Duties of Assessor.

§ 17. The assessor, between the first day of June and the first day of July in each year, shall ascertain, by diligent inquiry, the names of all taxable persons in said village and also their taxable personal property, and all taxable real estate therein on the first day of June of each year, and shall make out two assesment rolls of all such taxable property and appraise the same at the value and in the same manner as town assessors are required to do. The assessor may require any person giving in the amount or list of his taxable property, to make oath before him that the same is full and correct; and any person refusing to make such oath, shall not be permitted afterwards to reduce the valuation made by such assessor of his property for that year. All lands occupied and used for farming purposes shall be assessed in the same proportion to its real value as other village property. The assessor, after completing his assessment rolls, shall deliver the same to the president to be corrected by the trustees as hereinafter provided, and when so corrected the assessor shall return one of said assessment rolls to the clerk of the board of supervisors of the county at the time and in the manner provided by law for town assessors.

Powers and duties of Justices.

§ 18. The justices of the peace elected by virtue of this act shall have and exercise the same jurisdiction

powers and duties, and be subject to the same liabilities and regulation as justices of the peace of towns, and said justices of the peace within said corporation, shall have jurisdiction of all cases under the provisions of this act or for violation of any ordinance or by-law thereof; and in all such cases and in all criminal cases, and in suits for damages done to real estate, if the suit should be removed from the justice before whom the same was commenced, for prejudice or other causes, the papers shall be transmitted to the other justice in the said corporation, if authorized to try a suit between the parties, and if there be no such justice or if he be absent or sick, then the papers shall be transmitted to the nearest justice of the county in which the writ was issued.

Officers to qualify.

§ 19. Every officer elected under this act, or appointed by virtue or in pursuance of its provisions, shall within ten days after his election or appointment and before he enters upon the duties of his office, take and subscribe an oath or affirmation in the form following, which oath or affirmation shall be filed in the office of the clerk of the board of trustees: "I do solemnly [swear] or affirm, that I will support the constitution of the United States, and the constitution of the State of Wisconsin, and faithfully discharge the duties of , of the village of Waterloo, according the best of my ability:" and the treasurer and marshal before they enter upon the duties of their offices, shall execute and deliver a bond to the trustees, in such sum and with sureties and conditions as a majority of said trustees may direct, and said justices shall file a copy of said bond with the clerk of the circuit court of said county of Jefferson.

Powers of Trustees.

§ 20. The trustees and supervisor shall be called the board of trustees of the village of Waterloo, and the said board shall have the following powers, to wit: to enact, establish, publish after, modify, amend, repeal and enforce all such rules, by-laws, and ordinances for the government and good order of the village, for the suppression of vice and immorality, preventing fires, for the benefit of trade and commerce, as they may deem expedient; declaring and imposing penalties and to enforce the same against any person or persons who may violate the provisions of such rules, by-laws, or ordinances as have been duly passed, adopted and published, by putting up within said village three hand

CHAPTER 120. bills, written or printed, in three of the most public places, at least two weeks prior to the taking effect thereof, and all such rules, by-laws, and ordinances are hereby declared to be and have full force of law; *Provided*, They be not repugnant to the constitution of the United States or of this State.

Licenses. 1st. The trustees shall have power to license and regulate taverns, groceries, saloons, victualing houses, and all persons dealing in spirituous or intoxicating liquors, said licenses shall not be granted for a less term than one year, nor for a less sum than the amount fixed and provided by the laws of this State; *Provided*, That the treasurer of said village of Waterloo shall quarterly on the first day of July, October, January, and April of each year, pay to the treasurer of the county of Jefferson, the sum of ten dollars for each license granted as above provided for, and to license and regulate the exhibition of common showman, or showman of any kind, or the exhibition of any natural or artificial curiosities, all caravans, circuses, and theatrical performances, and to establish the price in all cases, except where the same may be fixed by law.

Gambling. 2d. To restrain and prohibit all description of gaming and fraudulent devices and practices, and all playing with dice, cards, or other games of chance for gain.

Riots, &c. 3d. To prevent riots, noise, disturbance or disorderly assemblies, to suppress and restrain disorderly houses, or groceries, or houses of ill fame, to authorize the destruction of all implements or devices for the purposes of gaming.

Slaughter houses, &c. 4th. To direct the location and management of all slaughter houses and markets, to regulate the storage and keeping of gunpowder and other combustible materials.

5th. To prevent horse racing or immoderate driving or riding in the streets, and to regulate the places for bathing and swimming.

6th. To restrain the running at large of cattle swine, horses, sheep, geese and poultry, and to authorize the distraining and sale thereof.

7th. To prevent the running at large of dogs, and to authorize their destruction in a summary manner when at large contrary to regulations, and to impose a tax on the same at their discretion.

Board of health 8th. To establish and regulate boards of health,

provide hospitals, cemeteries, and regulate the burial of the dead, and the returns of bills of mortality, and provide for the support of schools. CHAPTER 139.

9th. To prevent all persons from riding, driving or leading any horse or other animal on the side walks within the limits of the village, and from doing any damage to the same.

10th. To prevent the discharge of fire arms, rockets or crackers, or the exhibition of any fire works which may endanger the persons or property of the inhabitants of the village.

11th. To restrain drunkards or immoderate drinking, or obscenity in the streets, or any public places, and provide for arresting, removing and punishing any person or persons who may be found guilty of the same. Intemperance.

12th. To prevent the depositing within any waters of the village, any dead carcass, or filth of any kind, and prescribe penalties therefor.

13th. To protect trees and monuments within the village.

14th. To purchase, lease, hold and convey estate, real or personal, for the use of the village.

§ 21. Whenever the said assessment rolls shall have been delivered to the board of trustees, as mentioned in section 17, such board of trustees shall forthwith direct their clerk to give public notice, by publishing the same in writing, in two or more of the most conspicuous places in the village, of the completion of such roll by the assessor, and shall specify in such notice the time when and the place where the said trustees will meet to hear appeals from the proceedings of such assessor, on any such appeal being made to said trustees, they shall have power to alter and correct such assessment rolls, and the said trustees shall have power to equalize the taxes in such assessment rolls. Appeals, &c.

§ 22. Whenever a majority of all the resident owners of real estate, bounding on both sides of any street, or part of street, not less than ten rods in length, or on any block in said village, shall desire to have such street graded, paved or otherwise improved, they may make and sign an application in writing to the board of trustees of said village, when such application is received, the trustees shall make an order specifying the manner the work shall be done, and requiring the owners of lots fronting Improvements.

CHAPTER 189. on said street to make the improvements asked for within such time as they shall deem proper, and if the owners of said lots do not make or cause to be made the said improvements within the time so specified: the trustees shall have power to cause such work to be done, and levy a tax on the lot in front of which work is done, and to collect the same as other taxes are collected to pay therefor.

Ibid. § 23. Whenever a majority of all the owners of real estate lots bordering on one side of any such street or part of street shall desire to have a side-walk built or repaired, the application for that purpose shall be made to the trustees, by such owners; and the said trustees shall make the same order and specification, and shall have the same power to levy and collect a tax as that contained in the preceding section for streets.

Taxes. § 24. The trustees in making out duplicate assessment rolls of said villages next thereafter, shall enter such unpaid taxes therein in a separate column, with names of persons and descriptions of property against which the taxes so unpaid, and such taxes shall be collected in the same manner as the general taxes of said village are collected.

Construction of act. § 25. Nothing in this act shall be so construed as to require the owners or occupants of any farming lands in said village to build side-walks or make other improvements on or opposite said lands, unless they are platted for village lots; when such lands are platted for village lots they shall be subject to the same laws and regulations as other village property.

§. 26. In all suits for violation of any ordinance of said village, the process may be by summons or warrant.

Executions, fines, &c. § 27. Every execution issued upon any judgment for the violation or non-observance of any ordinace or by-law of said village, may contain a clause directing, in the event of the nonpayment, the imprisonment of the defendant in the county jail of Jefferson [county, for such time as shall have been] provided by the ordinances under which the judgment shall have been rendered; all fines, penalties and forfeitures, for the breach of any law or ordinance, when collected, shall be paid into the village treasury for the use of the village.

Suits against village. § 28. When an action or suit shall be commenced against the village, the service thereof may be

made by leaving an attested copy of the process with the clerk or supervisor, and it shall be the duty of the person with whom such process is left forthwith to inform the trustees thereof.

Claims against village.

§ 29. The trustees shall settle all just claims and demands against the village and pay the same by order on the treasurer, and also settle with the treasurer annually, and publish accounts of receipts and expenditures in writing, if there is no newspaper published in said village.

Removals, &c.

§ 30. The trustees shall have power to appoint and at their pleasure to remove the following officers, one or more street commissioner, and prescribe their duties and to inflict fines and penalties for any malfeasance in office.

§ 31. If any of the duties enjoined by this act at any time herein specified, or specified by any ordinance of the trustees, the trustees may appoint some other time when the said duties may be done; *Provided*, The officers so failing, shall not be exonerated from prosecution or fine, from neglecting of performing their duties.

Poll tax.

§ 32. The trustees shall have power to tax each male person, who by the laws of the state is subject to perform highway work or labor, not to exceed two days labor, on the streets of said village, but any such person may at his option pay at the rate of seventy-five cents per day, for every day he may be bound to labor, which money and labor shall be expended by the street commissioner under the direction of the trustees, and in in default of the payment of such money or labor, the street commissioner may sue for, and collect such money, in the name of the village of Waterloo, with fifty per cent. damages on the same, together with costs of suit, before any justice of the peace.

§ 33. No person shall be an incompetent judge, justice, juror, or witness, by reason of his being an inhabitant or freeholder in said village, in any action in which the village is a party or interested.

Special taxes.

§ 34. Special taxes for the purchase of fire engines, or for the purchase of cemeteries, or for improving the same, for the burial of the dead, building a town hall, or for the building of bridges, may be voted at any regular or special meeting of the voters, but no vote shall be taken unless such tax be first recommended by the said trustees, and a notice of the same, specifying

CHAPTER 189. the purpose for which said tax is to be raised, and the time and place for voting be published at least ten days before such meeting, by three or more handbills put up in public places by the clerk, or in some newspaper published in the village.

Power of village of borrow money.

§ 35. Said village shall have no power to borrow money, nor shall it be liable to pay money borrowed on its account, or advanced in its behalf by its officers or any other persons, nor shall any of its money or property be applied to any such purpose, nor shall the village incur any debt or liability, in any year, greater than the amount of tax allowed by this act to be raised in said village in the year in which such debt or liability was incurred.

Annual tax.

§ 36. For the discharge of any debts against said village, or expenditure authorized by the trustees, under the provisions of this act, or ordinance of said trustees, the trustees shall have power to levy and collect, annually, a tax on all such real estate and personal property, or capital of any kind within such village, subject to a taxation by the laws for levying state and county taxes, for the time being; *Provided*, That such tax shall not in any year exceed one per cent. on the dollar of the assessed value of such property.

§ 37. After the first Tuesday of April next, the amount of funds remaining or debts due, as the case may be, from said town as now constituted, shall be proportioned between said town and village, according to the amount of property in each, as taken from the assessment roll,

Amendments, &c.

§ 38. This act may be amended, altered or repealed by the ligislature, but shall be considered a public act, and shall be in force from and after its passage.

§ 39. It is hereby declared that in the judgment of the legislature of this state the objects of the foregoing bill [act] cannot be attained under any general laws.

Charter election.

§ 40. The resident voters of said village may assemble at the school house in said village on the fourth Tuesday of March, A. D., 1859, at ten o'clock of the forenoon of that day, and elect, "viva voce," two judges of election and one clerk, who together shall form an election board, for the purpose of receiving and canvassing votes for or against this charter, and said board when so constituted shall continue to sit for the purpose of receiving votes for the adoption or rejection of this charter, until 3 o'clock in the afternoon of said

day. On all ballots for this charter shall be written the word "Yes," and on all ballots against this charter shall be written the word "No." When said election shall be closed the judges shall proceed to canvass the votes, and if a majority of the votes be for this charter, it shall be declared adopted and a certified statement of said election shall be made by said board and be by them presented to the clerk, of said village, when elected and qualified, and such statement shall be recorded by said clerk in the corporate books to be provided by said village. *Provided, however*, That no such election shall be held as aforesaid, unless a notice of such election, signed by at least twelve (12) freeholders residing within said village limits, as before bounded and described, shall be posted up in at least five (5) conspicuous places in said village, at least ten (10) days previous to the day of said election, as provided by this section; and it is hereby specially provided and declared, that in case no election is held in pursuance of and in strict accordance with this section, then this charter shall and is hereby declared to be adopted, and shall be in full force and effect. Proviso.

Approved March 15, 1859.

CHAPTER 140.

AN ACT to amend an act entitled an act to incorporate the village of Monroe, and the acts amendatory thereof.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

CHAPTER I.

SECTION 1. The act entitled "an act to incorporate the village of Monroe," approved March 4th, 1858, and the act amendatory thereto, approved April 19th, 1858, are hereby consolidated and amended, so as to read as follows: Amendment.

§ 2. The inhabitants of the district included within the following limits and boundaries, to wit: The east half of the northeast quarter of section thirty-four (34), the southeast quarter of section thirty-four (34), all of section thirty-five (35), in town two, north, range seven east, and fractional lots one, two, three, four, five, six, eleven and twelve of section two, town one, range seven Boundaries.

CHAPTER 140. east, and fractional lots one, two, three, six, seven, eight, nine ten and eleven, of section three (3), town one, range seven, in the county of Green and State of Wisconsin, are hereby declared to be a body corporate and politic, under the name and style of the "Village of Monroe," and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places, and in all matters whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal, and may alter the same at pleasure, and shall be competent to have and exercise all the rights and privileges, and be subject to all the duties and obligations pertaining to a municipal corporation.

Government. § 3. The government of said corporation, and the exercise of its corporate powers, and management of its fiscal, prudential and municipal concerns shall be vested in five trustees and such other officers as are hereinafter provided for. The trustees, immediately after their election, shall choose one of their number as president.

CHAPTER II.

ELECTIONS.

Elective officers. SECTION 1. The elective officers of said corporation shall be five trustees, one treasurer and one assessor, to be elected by the qualified voters thereof at the annual election of said corporation, to be held on the first Monday of May, in each year, and shall hold their respective offices for one year, and until their successors are chosen and qualified.

Elections. § 2. At all elections of officers in said corporation, every person residing therein qualified to vote for town town officers in the town in which said corporation is situated, and who shall have resided in the village for twenty days next paeceeding the election at which he may offer his vote, shall be entitled to vote for any officer required to be elected by this act; and the person or persons having the highest number of votes shall be declared duly elected. Whenever any person shall present himself to give his vote, and either of the judges shall suspect that such person does not possess the qualifications of an elector, or if his vote shall be challenged

by an elector, the judges, or some one of them, before receiving the vote of any such person, shall cause such person to take the oath now required by law, and that he possesses the qualifications prescribed in this section. If any [person] who is not a qualified voter shall vote at any election he shall be subject to the pains and penalties now imposed by law.

Special elections.

§ 3. Special elections may be called by the clerk of said village, by the order of the trustees thereof, by giving ten days notice in writing, posted up in three or more public places in said village, or publishing the same in some paper published in said village. Every notice of such election shall state the object for which the same is called. Any vacancy in the board of trustees may be filled at a special election, called in the manner prescribed in this section.

Inspectors.

§ 4. The trustees, or any three of them, shall be inspectors of elections, with power to designate one or more clerks thereof, and the returns of such election shall be made and authenticated by said inspectors, and together with the poll list, and other papers deposited with the village clerk. The trustees shall appoint the place of holding any election, and at such election the polls shall be open from nine to twelve o'clock in the morning, and from one o'clock to five o'clock in the afternoon. All elections shall be determined by the inspectors. In case of a tie between two candidates at any election, the election of one or the other of them shall be determined by lot, in the presence and under the direction of the the trustees.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

Powers and duties of President.

SECTION 1. The president shall preside at all meetings of the trustees, keep the seal of said corporation, sign all commissions, licenses, and permits which may be granted by the trustees; he shall be ex officio member of the county board of supervisors of Green county, he shall maintain peace and good order, and see that the ordinances of the village are observed and executed. He shall have power to administer oaths and affirmations, and to take and certify acknowledgments of deeds and other instruments in writing; as a judicial officer he shall have concurrent jurisdiction with the justices of the peace of the county of Green, of all cases for

CHAPTER 140. the violation of any ordinance of said village, he shall have a vote on all questions.

Trustees. § 2. The trustees shall prescribe the time and fix the place of their meetings, which shall at all times be open to the public, and shall determine the rule of the proceedings, and keep a journal thereof, which shall be open for the inspection of every citizen at all reasonable times and hours, and shall have power to preserve order and propriety in their proceedings, and may adopt such by-laws, rules and regulations for their government as are not inconsistent with the provisions of this act, and shall have power to compel attendance of its members.

Peace officers. § 3. Each and every trustee, each and every justice of the peace and constable of the county of Green, shall be officers of the peace, and may command the peace and suppress, in a summary manner, all rioting and disorderly behaviour in said village within the limits thereof, and for such purpose may command the assistance of by-standers, and if need be, all citizens; and if any person shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay such fine as may be prescribed by ordinances of the village in such case made and provided. The trustees shall be exempt from poll tax and from serving on juries, but shall have no other compensation.

Violations of ordinances. § 4. When any ordinance or by-law of the village shall be violated, the president, or any justice of the peace of the county of Green, may issue his process against the offender, directed to the sheriff or any constable of said county, who shall execute the same, and the president, or any justice of the peace, shall hear, try and determine the case, award judgment, or inflict the penalty according to the provisions of this act and to the provisions of any by-law or ordinance of said village.

Treasurer. § 5. The treasurer of said village shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said village. All moneys raised, received, recovered and collected by means of any tax, license, fine, forfeiture, or otherwise, under the authority of this act or which belongs to said village, shall be paid to the said treasurer, and shall not be drawn therefrom except by a written order, signed by the president and countersigned by the clerk, by order of the trustees; such order shall specify the

amount of money to be drawn, and its object. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the trustees for that purpose, which shall remain the property of the village, wherein he shall note the time when, the person from whom, the amount of the several sums received, and the source from whence the said sums arose, which said book, at all reasonable times shall be open to the inspection of the electors of the village. He shall, as often as the trustees require, render to said trustees a minute account of his receipts and payments, and at the expiration of his term of office, he shall hand over to his successor all moneys, books and vouchers in his possession belonging to said village; he shall, before he enters upon the duties of his office, execute to the village and deliver to the president and trustees, a bond for the faithful discharge of his duties, to be approved by the trustees, which bond shall be at least double the amount of taxes to be raised for the year in which he was elected.

Clerk.

§ 6. The clerk shall be appointed by the trustees; he shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances or by the direction of the trustees, in addition to the powers and duties required by this act. He shall receive the same compensation for his services as are allowed by law to town clerks for similar services.

Marshal.

§ 7. The marshal shall have all the powers and rights of a constable in the county of Green, and be subject the same duties and liabilities: it shall be his duty to return all writs and processes to him directed by the President, and when necessary in criminal cases, or for the violation of any ordinance of said village, he may serve the same in any part of the State of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace; to apprehend all disorderly persons fleeing from justice in any part of the State of Wisconsin; to apprehend any person in the act of committing any offences against this State, or the ordinances of the village, and forthwith to bring such person before competent authority for examination, and for such services he shall receive like fees as are allowed to constables for like services.

Assessors.

§ 8. The assessors shall, between the first Monday of June and the first Monday of July in each year, assess all property subject to taxation, and shall, on or

CHAPTER 140. before the first Monday of July in each year, deliver to the board of trustees of said village, a full and complete roll thereof, which roll shall exhibit the description and value, in separate columns, of the lands, lots, and all other property chargable with tax in said village respectively, together with the names of the owners thereof, as far as the same can be ascertained. The assessor shall receive for his services the same compensation which is allowed by law to town assessors for similar services, and no other assessment of the village shall be made.

Street Commissioners. § 9. It shall be the duty of the street commissioner of said village, under the direction of the trustees, to superintend the grading, paving, graveling, or other improving of the streets, highways, lanes, and alleys of said corporation, and the building, cleansing and repairing of side-walks, cross-walks, culverts, bridges, streets, highways, lanes and alleys, and to direct and control the person or persons engaged in such work, and to do and perform such other duties as may be directed by the trustees conformably to this act.

Surveyor. § 10. The surveyor shall make all surveys, plans, profiles, and estimates of streets highways, lanes and alleys, and of the improvements made or to be made therein, which may be necessary for the establishing of grades, limits and boundaries or for making the improvements ordered by the trustees, and the certificate of the surveyor shall be prima facia evidence of the correctness of the facts therein stated in all courts and places.

Oath of office. § 11. Every officer elected in said village shall within ten days after he shall be notified of his election, take and subscribe the oath of office prescribed by the constitution, and file the same with the clerk, and in case of his omission to do so, he shall be deemed to have refused to serve, and if any one, chosen trustee, shall so refuse, he shall forfeit twenty-five dollars, and any one chosen treasurer or assessor, refusing to serve, shall forfeit ten dollars, which forfeitures shall be collected in the name of the village of Monroe, and paid into the village treasury.

CHAPTER IV.

OF THE TRUSTEES—THEIR GENERAL POWERS AND DUTIES.

SECTION 1. The trustees shall have power to enact, establish, publish, enforce, alter, modify, amend, or repeal, all such ordinances, rules, and by-laws, for the government and good order of the village, for the suppression of vice, for the prevention of fires, for the benefit of trade and commerce, and for the health thereof, as they may deem expedient; declaring and imposing penalties, and to enforce the same against any person who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances rules and by-laws are hereby declared to be and to have the force of law; *Provided*, That they be not repugnant to the constitution and laws of the United States, or of this state, and for those purposes shall have authority, by ordinance or by-laws: Ordinances, &c.

1st. To organize fire companies, hook and ladder companies, to regulate their government and the time and manner of their exercise, to provide all necessary apparatus for the extinguishment of fires, to require the owners of buildings to provide and keep suitable ladders and fire-buckets, which are hereby declared to be appurtenances to real estate, and exempt from seizure, distress or sale in any manner, and if the owner shall refuse to procure suitable ladders or fire-buckets, after reasonable notice, the trustees may procure and deliver the same to him, and in default of payment therefor, may recover of the said owner the value of such ladder or fire buckets, or both, with costs of suit; to regulate the storage of gunpowder and other dangerous materials, to direct the safe construction of places for the deposit of ashes, to appoint one or more fire wardens to enter into at reasonable times and examine all dwelling houses, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and cause such as may be dangerous to be put in a safe condition; to regulate the manner of putting up stoves and stovepipes, to prevent fires and the use of fire-works and fire-arms within the limits of said village, or such part thereof as they may think proper; to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull down and raze such buildings in the vicinity of the fire as shall be directed by the trustees or any two of Fire department.

CHAPTER 140. them who may be at the fire, for the preventing its communication with other buildings; to prescribe the material and manner of building within such limits as they shall deem proper, to construct and preserve reservoirs, pumps, wells and other water works, and to regulate the use thereof, and generally to establish the measures of prudence, for the prevention or extinguishment of fires as they may think proper.

Public health. 2d. To prevent, abate, and remove nuisances, and to take such measures for the public health as they may deem proper, and compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer, slaughter house, or other unwholesome or nauseous house or place, to cleanse, remove, or abate the same, from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said village.

Licenses, exhibitions, &c. 3d. To license and regulate the exhibitions of common showmen or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses, or theatrical performances, under the ordinances or common law.

Gambling. 4th. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, or other games of chance for the purpose of gaming in said village.

5th. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses, or houses of ill-fame, shows and exhibitions.

6th. To direct the location of all slaughter houses and markets.

7th. To prevent the encumbering of the streets, side-walks, alleys, or public grounds, with carriages, carts, wagons, sleighs, boxes, lumber, fire-wood or other material or substances whatever.

8th. To prevent horse racing, immoderate driving or riding in the streets.

9th. To restrain the running at large of cattle, swine, sheep, horses or other animals, and to authorize the distraining and the sale of the same, or to impose a fine, not exceeding five dollars, for every such animal found so going at large in viclation of the laws of the village.

10th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary

manner, when at large contrary to the ordinances, or to impose a tax on the same, CHAPTER 140.

11th. To prevent any person from bringing, depositing, or having within said village, any putrid carcass, or any unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance, or any putrid or unwholesome beef, pork, fish, hides, or skins of any kinds, and, in default, to authorize the removal thereof by some competent officer, at the expense of such person or persons. Public health.

12th. To establish and rugulate boards of health, to provide hospitals and cemetery grounds, regulate the burial of the dead and the returns of the bills of mortality, and to exempt burial grounds, set apart for that use, from taxation. Ibid.

13th. To provide for the protection and security of bridges.

14th. To prevent all persons riding or driving any horse, or mule, cattle, or other animal, on the sidewalks, or in any way doing any damage to such sidewalks.

15th. To restrain drunkards, immoderate drinking, or obscenity, in the streets of said village, and to provide for the arresting, removing and punishing any person or persons who may be guilty of the same; to regulate and license the sale of intoxicating liquors, and to prescribe the amount to be paid for such license, in conformity to the laws on that subject. To license and regulate billiard tables, bowling saloons, groceries, taverns and victualing houses, and to restrain the keeping the same without a license. Intemperance.

16th. To protect trees and monuments of said village.

17th. To fill any vacancy that may occur in the office of treasurer or assessor.

18th. To appoint and remove at pleasure any of the following officers, to wit: One chief engineer of the fire department, two fire wardens, and as many assistant wardens as such trustees may from time to time deem necessary, one surveyor, who shall be a practical engineer, one sealer of weights and measures, sextons and keepers, of burial grounds, one street commissioner, one marshal and one pound keeper, and to prescribe their duties and fix their compensations, under the provisions of this act, and to impose and enforce such pen- Appointments, removals, &c.

alties for any malfeasance or improper conduct in their respective offices, as the trustees may deem proper, and to require such officers to give bonds for the faithful performance of their respective duties.

Grade of streets, &c.

19th. To order the survey and to establish the grade of all streets in said corporation, and to prescribe the breadth, grade and material of all side and cross-walks.

20th. To compel the owners or occupants of buildings or grounds, to remove snow, dirt or other rubbish from the side-walk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct; and in case of his default, to authorize the removal or destruction thereof, by some officer of the village, at the expense of such owners or occupant.

21st. To build, keep, repair, grade, pave or otherwise improve streets, highways, lanes, alleys, side-walks, cross-walks, culverts, bridges and sewers, within said village.

22d. To require any building, fence or other erection which may be placed within, or erected upon the boundary of any street or highway in said village, to be removed therefrom by the owner or occupant, and in case of of his neglect to remove the same, to cause it to be removed at the expense of such owner or occupant.

23d. To erect hitching posts in the business streets of the village and make the same chageable upon the adjacent lots.

Improvements of streets, &c.

24th. The trustees shall have power to lay out, alter, widen, contract, straighten, or extend streets, alleys, lanes, highways and and walks within said village, and to discontinue and vacate the same when in rheir opinion the same are no longer necessary, making such disposal of the land so vacated as to them shall seem proper; to direct the prosecution and defence of suits in which said village may be a party: to procure the necessary blank books for records, and such stationery as may be required for village purposes; to audit and allow all lawful accounts agains said village, and to draw an order on the treasury for the payment of the same.

CHAPTER V.

IMPROVEMENTS.

SECTION 1. The streets, lanes and alleys to the middle or centre thereof, and to the centre of the cross-streets and side-walks, shall be graded, graveled, paved, built and improved at the cost and expense of the lots lying on or opposite the same respectively, each lot being required to pay the entire expense of the improvements made in front thereof to the centre of the street; and at the intersection of streets, the corner lots will pay for the improvements to the middle of the cross-streets. When application for grading or other improvements is made by two-thirds of the resident owners, under the provisions of this act, the expenses of building all cross-walks shall be assessed equitably upon the lots embraced in the application, according to their respective fronts upon the street. Expenses of improvements.

§ 2. All repairs of streets in said village, with all improvements therein, except side-walks, necessary to keep the same in an ordinary and passable condition shall be paid for out of the general fund. Ibid.

§ 3. The expense of repairing and rebuilding side-walks shall be paid for by the owners of the lots, as provided in case of their first construction. Ibid.

§ 4. The cost and expense of surveying streets, lanes and alleys, and of estimating the work thereon, and of making, building repairing and cleaning bridges, culverts, public wells, cisterns, springs and reservoirs, shall be chargeable to and payable out of the general fund of the corporation; and whenever in the opinion of the trustees any public walks should be built across any public grounds or along any unoccupied lands not subdivided into lots, within said corporation, and which in their opinion should not be chargeable therewith, they may, on petition of twelve resident freeholders of the village, construct such public walk and keep the same in repair from the general funds of the corporation. Ibid.

§ 5. Whenever two-thirds of all the resident owners of real estate bounding both sides of any street, lane or alley, or part thereof not less than twenty rods in length, in said village, shall desire to have such street, lane or alley, or part thereof, graded, paved, or otherwise improved, they may make and sign an application therefor in writing to the board of trustees of said Improvements of streets, &c.

CHAPTER 146. village; and if, in the opinion of said board of trustees, such improvements are necessary, said board may order the same done in accordance with the provisions of this act. Resident owners shall be understood to mean persons residing within the limits of the corporation.

Duty of Street Commissioners

§ 6. When the trustees shall determine to grade, gravel, pave, or otherwise improve any street, highway, lane or alley, or part thereof, they shall direct the street commissioner, surveyor, or other competent officer to give notice to the owners or occupants of all lots, parts of lots, or lands, upon that part thereof, if to be found, but if not found, to give notice by advertisement in a newspaper, published in said village, for two weeks, or by posting up written or printed notices in at least three public places in said corporation, requiring them to do the work therein mentioned, in the street, lane or alley, opposite to said lots or lands, within a reasonable time, therein mentioned; and if the said work shall not be done within the time specified, and in pursuance of said notice, the said commissioner, under direction of the trustees, may contract for the doing thereof, and when the said work shall be completed, according to the terms of such contract, and the expense thereof ascertained, the street commissioner shall give to the contractor a certificate, signed by himself and countersigned by the president, or village clerk, stating therein the amount due such person for the work, whatever it may be; and the lot, part of lot, or piece of land, upon which the same is chargeable, with interest at the rate of twelve per cent. per annum, until paid; said certificate may be transferred by endorsement thereon, and if the amount of such certificate, with the accrued interest thereon, shall not be paid before the time of making the next annual assessment of taxes for the corporation, the sum shall be specially assessed upon the said lots, parts of lots, or parcels of land, respectively, and collected for the benefit and use of the holders of such certificate, as other taxes on real estate are collectee, by virtue of this act; and if the notice to do the work required shall have been given as herein provided, no informality or error in the proceedings, not affecting the substantial justice of the tax, shall vitiate or make void such tax; *Provided*, That in no event where work is ordered to be done at the expense of any lot or parcel of land, shall the village be held responsible for the

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payment thereof. This proviso shall apply as well to work already ordered to be done at the expense of particular lots, as to that which may be done hereafter. Any person making any of the improvements ordered by the trustees, shall conform strictly to the grades established by the trustees as the same may be designated by the trustees and to the lines of the streets as the same may be designated and marked out by the village surveyor.

Sidewalks.

§ 7. Whenever two-thirds of all the resident owners of lots or lands bordering upon one side of any street or part of a street not less than twenty rods in length, shall desire to have the side-walk next thereto graded, paved, built or improved, they may make an application in writing to the trustees of said village for that purpose; and it shall be lawful for the trustees to direct the streets commissioner to proceed with the grading, paving, building or improving of such side-walk, at the eqpense of the lots and lands lying immediately thereon, by giving notice and proceeding in the manner provided in the preceding section for grading, gravelling, paving or improving streets, lanes and alleys, and to collect the cost thereof, as provided in said section.

Ibid.

§ 8. It shall be lawful for the board of trustees, whenever in their opinion it may be necessary, to direct the street commissioner to proceed with the repairing or rebuilding of any side-walk, at the expense of the lots or lands to which the same may be chargeable by this act, in the manner provided in the preceding sections for their first construction.

Grievances.

§ 9. Whenever the general interest of the corporation requires extraordinary cutting or filling, and the owner or owners of the lots or lands fronting on such deep cutting or filling shall feel themselves aggrieved thereby, and within twenty days from the time of receiving notice of the order for such work or from the time of the first publication of such notice, shall represent to the trustees in writing that the expense of such excavation or filling will exceed the benefit the same will be to such lot or parcel of land assessed therefor, the trustees shall direct the marshal to summon five disinterested freeholders, who shall meet and after being duly sworn by some person authorized to administer oaths, well and impartially to discharge their duties, shall examine and view the premises, and if in their opinion, the lots or lands fronting on such deep cutting

CHAPTER 140. or filling will be injured thereby, or that the expense of said work will exceed the benefit the same will be to such lot or parcel of land, it shall be their duty to make report in writing to the trustees, how much or what proportion thereof should be payable out of the general fund, and the trustees may thereupon cause such work to be done as in other cases, and the proportion of the cost thereof chargeable upon said lots or lands shall be assessed upon said lots or lands, and collected as in other cases, and the balance paid out of the general funds of the corporation. *Provided*, That when it shall appear to the board of trustees, that lots or lands belonging to non-residents, infants or persons laboring under any disability, who shall not be represented by any agent or guardian, are not benefitted by the making of streets in front of such lots or lands, to the amount of the cost and expenses thereof, it shall be the duty of said trustees to cause to be summoned a jury as herein provided.

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Appeal may be made.

§ 10. In all cases where work is ordered, by the trustees, to be done by the owner of any lot or part of lot under the provisions of this act, such owner may make his appeal as herein provided, at any time within twenty days after the first publication of the notice required to be given, but not thereafter; and until the expiration of said twenty days no such order shall be executed by the trustees.

Notice of improvements.

§ 11. It shall be lawful for the board of trustees, without giving further public notice, to cause to be completed, those improvements which have been, by them, heretofore ordered to be made, and the expense thereof shall be ascertained, levied and collected according to the provisions of this chapter.

Poll tax.

§ 12. The said village of Monroe shall not constitute any part of any road district, neither shall any property in said village be subject to payment of road taxes, but a poll tax of seventy-five cents (in lieu of the highway poll tax now provided for by law) may be levied by the trustees on such persons as are, by law, liable to pay a highway poll tax, and for that purpose it shall be the duty of the street commissioner, on or before the first Monday of July, to return to the trustees, a list of all such persons residing in the village. The trustees may thereupon, by warrant order the street commissioner to collect said tax from each person liable to pay the same, and to expend the same

upon the streets, and for this purpose the street commissioner shall have the same powers, duties and liabilities as an overseer of highways. All such taxes, which may remain uncollected at the time of making the annual tax roll, shall be charged against the persons liable to pay the same, in a column for that purpose, and such tax shall then be collected in the same manner as other general taxes and paid into the village treasury.

Expense of laying out streets, &c.

§ 13. When any street shall be laid out, widened, altered, or extended by the trustees, all damages, costs and expenses therefor shall be assessed upon the lots or lands benefitted by such improvement, by a jury of six disinterested freeholders of the village to be summoned by the marshal, by direction of the trustees, for that purpose.

CHAPTER VI.

TAXES AND ACCOUNTS.

Power of Trustees to levy tax

SECTION 1. The trustees shall have power to levy and collect taxes on all such property as shall be subject to town and county taxes; *Provided*, That in any one year the general taxes for corporation purpose shall not exceed one per cent. on the assessed valuation of taxable property of said village, unless two thirds of the electors of said village, voting at a meeting regularly called for that purpose, shall vote to allow a larger sum to be raised; but in no case shall the electors be allowed to raise more than two per cent. on the assessed valuation as aforesaid.

Acc'ts against village.

§ 2. No account or claim against said village shall be paid until it shall have been presented to the trustees thereof, and audited and allowed by them, and when any such account shall be so audited, the trustees so auditing the same shall endorse thereon, or annex thereto, a certificate, subscribed by them, of such auditing and allowing or disallowing the same, in which the sum allowed, if any, shall be specified.

Ibid.

§ 3. No such account or claim shall be audited or allowed by the trustees until it shall be made out in items, and shall be accompanied by an affidavit of the person claiming to have done the services or made the disbursements therein charged, that the several items of the account or claim are correct, and the services therein charged have been rendered, and the disbursements therein charged have been made, and that no

CHAPTER 140. part thereof has been paid; such affidavit shall be endorsed on or annexed to such account or claim, and presented therewith. Any one of the trustees or the village clerk, may administer the oath required in this section, and the said trustees may examine the claimant on oath as to the items in such accout or claim.

Ibid. § 4. Nothing in the last preceding section shall be construed to prevent the trustees from disallowing any account or claim, in whole or in part, when so made out and verified, nor from requiring other and further evidence of the correctness and reasonableness thereof.

Ibid. § 5. Every account or claim against said village, presented to the trustees in any year, shall be numbered from one upwards in the order in which it shall be presented, and a memorandum of the time of presenting the same, the name of the person in whose favor it shall be made out, and of the person by whom it shall be presented, shall be entered in the records of the proceedings of the trustees.

Treasury warrants. § 6. Every warrant drawn by the trustees to pay any account or claim, shall refer to such account by number, the name of the person in whose favor it was made out, and a memorandum of such reference, and of the amount of the warrant, shall be entered in such records before such warrant shall be delivered to the claimant.

§ 7. No trustee shall allow or subscribe a certificate of allowance of any item in any account or claim against said village, which said village shall not be legally bound to pay, or for the payment of which it could not lawfully raise money therein by tax, nor shall any trustee sign any warrant for the payment of any such account or claim, or any part thereof.

Power to borrow money. § 8. No such account or claim shall be paid, except by the treasurer, on the warrant of the trustees.

§ 9. Said village shall have no power to borrow money, nor shall it be liable to pay money borrowed, on its account, or advanced in its behalf by its officers or any other person, nor shall any of its money or property be applied to any such purposes, nor shall the village incur any debt or liability in any year greater than the amount of tax allowed by this act to be raised in said village in the year in which such debt or liability was incurred.

CHAPTER VII.

ASSESSMENT AND TAXATION.

SECTION 1. Whenever the assessment roll shall have been delivered to the board of trustees, as mentioned in section 8, chapter 3, of this act, such board of trustees shall forthwith direct their clerk to give public notice, by publishing the same in writing in two or more of the most conspicuous places in the village or in some newspaper published in said village, of the completion of such roll by the assessor, and shall specify in said notice the time when, and the place where, the said trustees will meet to hear appeals from the proceedings of such assessor. On any such appeal being made to said trustees, they shall have power to alter and correct such assessment roll, and the said trustees shall have power to equalize the taxes in such assessment roll. And when such assessment shall be equalized as above provided, the village clerk shall deliver to the clerk of the town of Monroe a certified copy of said roll, which shall then become a part of the assessment of the town of Monroe. Notice of completion of assessment roll.

§ 2. When such assessment roll shall be finally completed, the trustees shall determine the amount of general tax necessary to be raised in said village, the current year, and shall cause to be levied such amount of tax as shall have been determined to be raised, and the clerk shall set opposite to each description and valuation of taxable property, the amount of tax charged upon such property, together wish such fees as are allowed by law to treasurers of towns for collection, and to each person respectively; and such tax list shall be completed by the fourth Monday of November in each year, and shall contain all delinquent taxes before that day, specially assessed according to this act, and when such tax list shall have been so completed, the clerk shall annex thereto a warrant of collection and deliver the same to the treasurer. General tax.

§ 3. The warrant annexed to any list delivered to the treasurer as aforesaid, shall be signed by the clerk of said village, or in his absence, such warrant shall be signed by any trustee; such warrant shall command the treasurer to collect the taxes mentioned in such tax list by the fourth Monday of January next following, and make return of said warrant to said clerk; the trustees may renew the warrant annexed to any tax Tax warrant.

list for thirty days, when they shall deem necessary, but any such warrant shall not be renewed more than once.

Duty of Treasurer on receipt of tax list.

§ 4. Upon the receipt of the tax list aforesaid, it shall be the duty of the treasurer to give public notice by publishing the same in three public places in the village, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office till the 25th day of December next ensuing such notice.

Tax sale.

§ 5. When any tax list shall be delivered to the treasurer under the provisions of this act, he shall, after the requisite time has elapsed, proceed to collect the same from those liable, by levy and sale of any of their personal property, and shall not return the tax unpaid, except in default of personal property, out of which to make the same, within the village; six days notice of the time and place of sale of any personal property, seized by said treasurer, shall be given, by posting the same in three public places in said village, and on such levy or sale, he shall collect the same fees allowed to constables for similar services. The treasurer shall receive the same fees for collecting as are now allowed by law to town treasurers for like services.

Treasurer's statement.

§ 6. The treasuer, after the expiration of the time prescribed in the warrant for the collection of taxes, set down, on the general tax roll, shall return the same to the clerk, with a verified statement of the amount collected, and a specific statement of each amount of tax he was unable to collect, set opposite the name and description of property against which the same was assessed; thereupon the clerk, shall forthwith deliver to the county treasurer of the county of Green, a copy of said statement, certified by him, and the county treasurer may receive payment, of any such delinquent tax in the same manner, as other taxes returned to him, and shall advertise and sell the property charged with such tax upon the same day and in all respects, in the same manner as he is now required by law, to sell lands returned by town treasurers for payment [non-payment] of taxes, and shall issue his certificate to the purchasers, and the clerk of the board of supervisors of Green county shall enter such sale on the record book of the tax sales, and any lot or tract so sold shall be subject to redemption, within the same time and in the same manner, and upon the same terms as now is, or hereafter

may be allowed for the redemption of lands, sold on the return of town treasurers, and in case of non-redemption, the title shall become absolute in the purchaser or his assigns, upon the same condition as is now allowed by law upon any other sales, made by the county treasurers and the clerk of said board shall in like manner execute the usual tax deed, therefor.

Treasurers.

§ 7. It shall be the duty of the village treasurer to collect from the county treasurer any moneys by him received belonging to said village; and the county treasurer shall receive the same fees for selling and collecting under this act, as he is now allowed in other cases.

Taxes and assessments.

§ 8. All taxes and assessments, general and special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the date of the warrant for the collection of such tax.

Proceedings to set aside tax.

§ 9. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter assessed or levied upon any lot or tract of land, or to set aside any deed executed in consequence of the nonpayment of such taxes and of the sale of premises therefor, unless such person shall first pay or tender to the proper party, or deposit for his use with the treasurer, the amount of all State, county, town and village taxes and assessments that may remain unpaid upon such lot or tract, together with the interest and charges thereon.

Annual statement of Trustees.

§ 10. Within ten days next preceeding every annual election, the trustees of said village shall cause to be published a statement which shall show the name of every person who shall have had an account or claim allowed by them, the amount of such account or claim as presented, the amount allowed, and a brief statement of the nature of the demand. The first statement so published shall embrace all accounts allowed to the time of publishing, from the time of the incorporation of said village, and each subsequent statement shall embrace all accounts allowed to the time of publishing, from the time of publishing the last preceding statement.

CHAHTER VIII.

SURVEY OR PLAT OF VILLAGE.

Survey of village.

SECTION 1. The trustees of the village of Monroe are hereby authorized to make or cause to be made, a survey and plat of said village, or parts thereof, as fol-

CHAPTER 180. lows: Wherever the boundaries of lots, blocks or streets of any part of said village which is now platted or purported to be platted, are uncertain, or the land marks defaced, they shall establish or cause to be established such boundaries and land marks, according to the latest plat of such part as the same appears in the office of the Register of Deeds of the county of Green.

Deficiencies in map of village. § 2. Wherever such plat is deficient in not showing any thing required by law to be shown, they shall supply such deficiency in the map to be made or caused to be made by them, *Provided*, That they shall not change or cause to be changed, any record, nor shall they remove any land mark belonging to any of the plats aforesaid, but shall only locate on the ground the lines of the several plats where the same may be necessary, and renew such land marks as may have been destroyed.

Village map. § 3. The map may represent the whole territory included in the village of Monroe, and may also show the division of the land not hitherto platted, in divisions not greater that government forty acres subdivisions each, according to the ownership of the several tracts so far as the same can be ascertained from the county records, and all such divisions may be numbered progressively by the trustees, or by the surveyor they may employ, "Out Lot No. ——," with the area thereof in acres. The said plat shall also show the several roads, streets, alleys, public buildings and public grounds, as they now exist, or as established, named or designated, so far as the same can be ascertained from the records of Green county. Stones shall be set in such places as said trustees may think fit for establishing corners and bounds, and shall be designated on the map.

Government survey. § 4. The map shall also show the several corners and lines of the government survey, so far as can be done without obsuring the lines of plats; and the maps, when completed, shall be certified upon oath by said trustees, and also by the surveyor they may employ, and shall be filed and preserved, together with said certificates and oath, in the office of the Register of Deeds of the county of Green, and from and after the date of said filing, the same shall be conclusive evidence of the correctness of all lines and measurements therein contained, and *prima facie* evidence of all other parts thereby appearing, and the same may be used in all legal proceedings with equal validity and effect as any of the plat aforesaid: *Provided*, That no irregular-

ity or invalidity in any of said plats shall be taken as an objection to the said village maps; and in proving title, where it would otherwise be necessary to introduce the plat of any part of the territory in said village the said village map so made, certified and filed, may be introduced and used in evidence with equal effect and validity; and when any deed, or writing, or record hereafter to be made, shall refer to any old village plat in said teritory, it shall be deemed and taken to refer to that part of said new plat, and the said map so made, certified and filed, shall, in all respects, have the same force and effect as if it were a plat of the territory included in said sections, made by the owners of such territory, according to chapter forty-one of the Revised Statutes.

Compensation.

§ 5. The trustees, for performing the duties and paying the expenses imposed upon them by this act, shall be entitled to have and receive therefor three cents for each and every lot included in said or maps, except the lots, blocks and grounds owned, occupied, or designated as aforesaid for public purposes; and whenever an actual survey or measurement shall be necessary, by reason of defects in the plats herein specified, or by reason of the destruction or loss of said land marks, said trustees shall be entitled to seven cents additional fee for each and every lot so surveyed, measured and staked out by them, except the public lots, blocks or grounds aforesaid. *Provided also*, That when more than one out lot is made of any parcel of land under a single ownership, and not exceeding forty acres in quantity, according to government survey, no more than ten cents shall be charged as fees of said trustees for the whole of such parcel, and in no case shall they be entitled to fees for dividing land under a single ownership into a greater number of out lots than shall be necessary to bring such land within forty acre divisions, as herein provided. The said trustees may at any time, after three days from the date of the filing of said map, make out an account duly verified by their affidavits, of the lots on which their fees as aforesaid shall not have been paid, with the amount charged as herein provided upen each, and the amount so charged shall thereupon become a lien and charge upon the several lots till the same are paid, and shall be included in the proper column in the next tax roll thereafter assessed, and shall be collected with the other taxes on the several

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lots and shall be paid to the said trustees or to their order by the officer collecting or receiving the same.

CHAHTER IX.

MISCELLANEOUS.

Ordinances and by-laws.

SECTION 1. In all cases in relation to which, by the provisions of this act, the trustees have power to enact or pass ordinances or by-laws in relation to any subject, they may prescribe any penalty for the violation of such ordinances or by-laws, not exceeding fifty dollars for any one offense in violation or nonobservance thereof, and may also provide that in default of payment of any judgment rendered for such violation or nonobservance, the offender may be imprisoned for such term as they may by such ordinance direct, not exceeding thirty days,for which purpose the said village shall have the use use of the jail of Green county for the imprisonment of any person liable to be imprisoned; and all persons committed to said jail by any officer of said corporation, shall be under the charge of the sheriff of said county.

Ibid.

§ 2. On all suits for the violation of any ordinance of the village, the process may be by warrant, and it shall be sufficient, without setting forth the special matter, to declare generally upon the ordinance under which the action is brought; and a printed copy of an ordinance, published in a newspaper or pamphlet by authority of the trustees, shall be prima facie evidence of the passage and publication of such ordinance.

Ibid.

§ 3. Every execution issued upon judgments for the violation or nonobservance of any ordinance or by-law of said village, shall contain a clause directing, in the event of the nonpayment of the judgment, the imprisonment of the defendant in the county jail for such term as shall have been provided for by the ordinance under which the judgment shall have beon rendered. All fines, penalties and forfeitures, when collected, shall be paid into the treasury of said village.

Publication of ordinances.

§ 4. Any ordinance, regulation, rule of by-law imposing any penalty or forfeture for the violation of its provisions, shall be published one week in some newspaper in the county before the same shall be in force; and proof of such publication by affidavit of the printer or foreman in the office of such newspaper, or by producing such newspaper containing such publication

shall bo conclusive evidence of the publication and promulgation of such ordinance, regulation, rule or by-laws in all courts or places.

§ 5. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said village, in any action or psoceeding in which said village is a party or interested.

Exempt from taxes.

§ 6. All real estate exempt from taxation by the laws of this State, shall be subject to special taxes for the improvement of streets, the same as other real estate, under this act.

Jurisdiction of property donated for public purposes.

§ 7. The village of Monroe is hereby vested with the complete and exclusive jurisdiction of all property donated to the public for cemeteries or public purposes by any of the recorded plats within the limits of said village which have been heretofore made or may be made hereafter.

§ 8. All that territory included within the corporation of the village of Monroe, is hereby annexed to and made a part of the town of Monroe.

§ 9. All provisons of law conflicting with this act are hereby repealed.

Failure of election.

§ 19. If any election provided for in this act shall, for any cause, not be held at the time prescribed, it shall not be considered a sufficient reason for arresting, suspending or absolving the said corporation, but such election may be held at any time thereafter, by order of the supervisors of the town, otherwise by order of the trustees of said village, of which time ten days public notice shall be given; and, further, if any of the duties enjoyned by this act at a time herein specified, or specified by any ordinance of said village, are not then done, the trustees may appoint another time in which the said duties may be performed; *Provided*, That the officers so failing to execute such duties at the time required, shall be liable to the same actions, fines and penalties as they would have been had not said power been conferred upon or exercised by said trustees.

Affidavit of printer.

§ 11. The affidavit of any person competent to testify in a court of justice of the publication of any notice required by the provisions of this act to be published, shall be received as a proof of the publication of such notice in all courts and places.

§ 12. A majority of the trustee shall be a quorum for the transaction of business, but a less number may meet and adjourn, from time to time, until a quorum

shall be present, but shall do no other business, and in the absence of the president, the trustees present may appoint a president pro tem.

Declared to be a public act.

§ 9. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended; and may be read in evidence without proof, and judicial notice shall be taken thereof in all in all courts and places.

§ 14. This act shall take effect and be in force from and after its passage.

Approved March 16, 1859.

CHAPTER 141.

AN ACT to protect Mill owners and others from the floating of Saw Logs on the Sheboygan River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Repealed.

SECTION 1. All acts declaring Sheboygan river to be a navigable stream are hereby repealed.

Obstructions.

§ 2. If any person shall put into the Sheboygan river, within the limits of Sheboygan county, any refuse lumber, slabs or other waste materials, such person, on conviction thereof, shall forfeit the sum of five dollars for every such offense, and shall be further liable for all damages that may accrue on account of such obstructions.

§ 3. This act shall take effect from and after its passage.

Approved March 16, 1859.

CHAPTER 142.

AN ACT to amend chapter 364 of the Private and Local Laws of 1856, entitled "an act to authorize T. B. Scott and others to build a bridge across the Wisconsin."

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Amendment.

SECTION I. Section one of chapter 364 of the private and local laws of 1856, entitled, "an act to authorize T. B. Scott and others to build a bridge across

the Wisconsin," is hereby amended so as to read as follows: "Section 1. T. B. Scott, Geo. E. Neevet, J. H. Compton, Henry Robin, Henry Jackson, Orestus, Garrison, Joseph Wood, James McGraw, John Robin, E. G. Bean, Henry W. Jackson and J. H. Lang and their associates and assigns, are hereby created a body corporate and politic, by the name and style of the Grand Rapids Bridge Company, with perpetual succession, and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto in all courts in this State, may have a common seal, and change the same at pleasure, and may enjoy all the rights and privileges incident to corporations, for the purpose of building and maintaining a toll bridge across the Wisconsin river at Grand Rapids.

First meeting of corporation.

§ 2. The first meeting of the corporation created by this act, and the act to which this act is amendatory, may be called by any five of the persons named therein, by giving written notice of the same personally, to each of the other persons named in this act, at least ten days previous to the time of such meeting, or by publishing the same in a newspaper printed in the county of Wood at lesat three succesive weeks prior to such meeting, and such notice shall distinctly specify the time and place of such meeting.

Directors, &c.

§ 3. The business matters of said corporation shall be conducted and managed by a board of not less than five nor more than nine directors, a majority of whom shall constitute a quorum, and the first board of such directors shall be elected at the first meeting of the corporation mentioned in this act, as provided in the next preceding section.

Capital stock, &c.

§ 4. The capital stock of said corporation shall not exceed fifteen thousand dollars, and the same shall be divided into shares of twenty-five dollars each, which shall be considered personal property and shall be transferable on the books of said corporation in such manner as shall be directed by the by-laws thereof; and at all elections and meetings of the company, each stockholder shall be entitled to one vote for each share owned by him, either by person or by proxy, when duly authorized.

Directors, term of office.

§ 5. The first board of director elected under and by virtue of this act, shall hold their offices for one year from and after their election, and until their suc-

CHAPTER 143. cessors are duly elected and qualified, and such board may choose such officers thereof as they may by resolution or by [by]-laws designate.

Amendment—tolls. § 6. Section three of the act to which this act is amendatory, is hereby amended so as to read as follows: "Section 3. The said company shall have power, immediately after the completion of said bridge, to demand and collect tolls for passing over said bridge, as follows: for any vehicle drawn by two horses, mules, oxen or other animals, fifteen cents, and for each additional animal five cents; for any vehicle drawn by one horse or other animal, ten cents; for a single horse, five cents; for horses or cattle in droves, three cents each; for hogs or sheep in droves, one cents each; for foot passengers, one cent each; also for one horse or mule, five cents."

Amendment. § 7. Section five of the act to which this act is amedatory, is hereby amended by striking out the words "T. B. Scott," where they occur in the second line of said section five, and inserting in lieu thereof the word "company;" and section seven of said act is also amended by striking out the words "T. B. Scott," in the fourth line thereof, and inserting in lieu of the words stricken out, the word "company."

Expiration of charter. § 8. The charter of said corporation shall expire in fifteen years from and after the passage of this act, unless some future legislature shall extend the same.

Amendment. § 9. The act to which this act is amendatory is also hereby amended by striking out the words "T. B. Scott" wherever they occur in said act, and inserting in lieu of the words so stricken out, the word "company."

§ 10. This act shall take effect and be in force from and after its passage.

Approved March 16, 1859.

CHAPTER 143.

AN ACT to lay out a State road from Sumner, in Trempeleau county, via Pleasant Valley and Rock Falls, to Dunnville, in Dunn county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners to lay out State road. SECTION 1. N. H. Bonner, S. G. Etting any James F. Moore are hereby appointed commissioners to lay out and establish a state road from Sumner, in Trempe-

leau county, via Pleasant Valley and Rock Falls, to Dunnville, in Dunn county.

Compensation.

§ 2. The said commissioners shall receive a just compensation for their servises from the counties through which the road shall pass, each county paying a just proportion of said expense.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1859.

CHAPTER 144.

AN ACT to require the owners of bridges on the Wisconsin river to build and maintain booms on said river, in order to facilitate the free passage of rafts.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Booms shall be constructed.

SECTION 1. The owners of bridges on the Wisconsin river, and those who may hereafter build bridges on the same, are hereby required to construct suitable booms on said river for the purpose of facilitating the free passage of rafts without hindrance, obstruction or delay to be constructed as hereinafter provided.

Dimensions, &c

§ 2. Such booms shall extend up the stream from the piers of such bridges, on either side of the main passage way, for the navigation of said stream, and shall not be less than 500 feet in length, and shall be so placed in said stream, as that the main current thereof shall run between the same; and the distance between the uper ends of such booms shall be not less than 300 feet, where the width of such stream shall admit of such distance, and shall be so located that rafts can enter the opening thereby mane between such bsoms, without any hindrance or obstruction.

Refusal to comply with provisions of act.

§ 3. Any owners of bridges neglecting or refusing to comply with the provisions of this act, within ninety days after the passage thereof, shall forfeit and pay, for every day they shall refuse to comply as aforesaid, the sum of one hundred dollars, to be recovered in any court of competent jurisdiction.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 16, 1859.

CHAPTER 145.

AN ACT to lay out a State Road from the village of Potosi, in Grant county, to the village of Belmont, in La Fayettecounty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission to lay out State road.

SECTION 1. That Daniel Banfill, David McKee, William Davidson of Grant county, and John Toay, and Nathan L. Olmstead of LaFayette county, are hereby appointed commissioners to lay out and establish a state road from the village of Potosi in Grant county, to Belmont, in the county of LaFayette, on the most feasible and direct route.

Expense, &c.

§ 2. No part of the expenses of laying out said road shall be chargeable to the state or the counties through which said road may be laid.

§ 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1859.

CHAPTER 146.

AN ACT to extend the time for the collection of taxes in the city of Hudson.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time extended for the payment of taxes.

SECTION 1. The time for the collection of taxes in the city of Hudson, levied for the year 1858, is hereby extended to the first Monday of July next, and return thereof shall be made to the county treasurer on or before the time specified in this section: *Provided*, That this act shall not in any manner extend the time for the payment of the state tax levied in said city to the county treasurer.

Powers and duties of Treasurer.

§ 2. The city treasurer of the city of Hudson shall have the same power to collect all taxes in arrears in said city, by levy and distress or otherwise, as provided by law, within the time specified in the first section of this act, at which time he is hereby required to make return of his warrant, and doings in the premises, as is now required by law. *Provided*, That no personal pro

perty shall be sold under the provisions of this act before the first Monday in June next.

Term of office of Treasurer extended.

§ 3. The treasurer of said city is hereby continued in office for the purposes of carrying out the provisions of this act until the first Monday in July next; at which time he shall return the tax warrant and assessment roll now in his hands with a statement verified by his affidavit, showing what taxes have been paid to, or collected by him, and what remain unpaid and uncollected, to the common council of said city.

Tax sale.

§ 4. The county treasurer of St. Croix county, shall publish the notice for the sale of all lands returned by the said city treasurer the same length of time now required by law, and all sales made in pursuance of such notice shall have the same force and effect as if made at the time now required by law.

§ 5. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 147.

AN ACT to incorporate the West Bend Union School District.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Territory of school district.

SECTION 1. That from and after the passage of this act school district number two (2), in the town of West Bend, in the county of Washingto, shall be known as the West Bend Union School District, and shall consist of the following described territory: The west half of the south-west quarter and the south-east quarter of the south-west quarter of section twelve, the north-west quarter and west half of the south-west quarter, and the south-west quarter of north-east quarter of south-west quarter of section thirteen, all of section fourteen, the south half of section eleven, the north half and the east half of the south-east quarter of section fifteen, the north half of section sixteen, the north-east quarter and the east half of the north-west quarter and the north half of the south-east quarter and north-east quarter of the south-west quarter of section twenty-three, and the north half of the south-west quarter of section twenty-four, all in township eleven, range nineteen. *Provided,*

CHAPTER 147. That the boundaries of said district may be alterered by the town superintendent with the consent of the school board of said West Bend Union School District.

Rights and privileges.

§ 2. The West Bend Union School District shall, when lawfully organized, be a body corporate, with perpetual succession, and possess all the powers and receive all the benefits, and enjoy all the rights and privileges conferred by law upon common school districts, and in addition thereto, the qualified voters thereof, when lawfully assembled, shall have power:

Officers.

1st. To elect annually, by ballot, three directors, one clerk and one treasurer, who shall constitute the the district board of said district.

Taxes.

2d. To vote such tax on taxable property of the district as the meeting shall deem expedient, to build a school house.

Authority to borrow money.

3d. To authorize the board to borrow, upon the faith and credit of the district, such sum or sums of money, not exceeding five thousand dollars, upon such terms and for such length of time as the board may determine, and to renew said loan from time to time.

Payment of loan.

§ 3. Should a loan be perfected by the board of said West Bend Union School District, under the provisions of this act, all the taxble property of said district at the time of making the loan, and all that may be hereafter added or annexed thereto shall be holden for the faithful payment of the interest and principal of the money loaned, and it shall be the duty of the school boord to assess and collect, without a vote of said district, a tax sufficient to pay the interest or principal due according to the conditions of said loan.

Chairman of Board.

§ 4. The school board of said West Bend Union School District, shall at their first meeting after their election choose one of their number chairman, who shall preside at the meetings of the board, and whenever he is absent a chairman pro tem. may be appointed.

Powers and duties of Board.

§ 5. The said board shall possess all the powers now conferred by law upon common school district boards, and in addition thereto they shall have power and it shall be their duty:

Loans.

1st. When lawfully directed by the qualified voters of the district to borrow, upon the faith and credit of the district, such sum or sums of money, not exceeding five thousand dollars, upon such terms and for such length of time as they shall determine, and to renew

such loan from time to time; and to make, execute and deliver, out of the State or in it, all necessary writings, notes, bonds or other papers or securities in amount and kind as by them may be deemed expedient, in consideratiion of such loan.

2d. To purchase such site and to erect such buildings thereon as the qualified voters at any lawful meeting shall direct. School buildings.

3d. To purchase such school apparatus, books, maps, appendages and furniture as they shall think necessary, and to exchange, improve and repair the same as they shall deem expedient. School apparatus, &c.

4th. To have in all respects the superintendence, supervision and management of the school, and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for the organization, government and instruction, for the reception of pupils and for their transfer from one department to another, and generally for the promation of its good order, prosperity and public utility. Rules and regulations.

§ 6. The said board shall have power to allow children of other persons, not residents of the district, to attend the school, upon such terms as the said board shall prescribe, fixing the tuition that shall be paid therefor, but no charge shall be made or received for the tuition of any persons residing in said district. Non-resident children.

§ 7. All contracts shall be in the name of the West Bend Union School District, and to be binding or valid shall be signed by or receive the sanction of a majority of the school board. Orders on the treasurer shall be signed by the chairman and countersigned by the clerk. Contracts, &c.

§ 8. The duties of the treasurer shall be the same as the duties of common school district treasuers, and in addition thereto, it shall be his duty to collect all taxes legally assessed in said district, and he shall receive two per cent. on all sums of money collected by him. Duties of Treasurer.

§ 9. The duties of the clerk shall be the same as the duties of common school district clerks, and in addition thereto it shall be his duty to make out tax lists of all taxes legally authorized by the district. Clerk.

§ 10. The clerk, in making out any tax list, shall enter therein the names of all persons liable to pay a school district tax in said district, the amount of personal property to be taxed to each such person, and a description of all the taxable real estate in the district, School tax.

CHAPTER 147. and shall set opposit to each description of taxable property the valuation of the same and the amount of tax charged upon such property, and to each person respectively. Such description and valuation shall be ascertained from the last assessment roll of the town of West Bend.

Warrant. § 11. To each tax list, a warrant under the hand of the clerk shall be annexed, substantially in the following form, to wit.: "To the Treasurer of the West Bend Union School District: You are hereby commanded to collect from each of the persons and corporations named in the foregoing tax list, and of the owners of the real estate described therein, the several sums set opposite to the persons and corporations so named, and to the several parcels of land therein described, and in case any person or corporation upon whom any such sum or tax is imposed, shall refuse or neglect to pay the same, you are to collect the same by distress and sale of personal property, in the same manner as town treasurers are authorized to collect town and county taxes; and you are to execute and make return of this warrant at the expiration of forty days from the date hereof.

Given under my hand, this ——— day of ——— A. D. 18—.

A. B.,
District Clerk."

Taxes. § 12. If any tax on real estate, in any tax list to the treasurer, shall remain unpaid at the time he is required by law to return his warrant to the clerk, such treasurer shall make out and deliver to the town clerk a statement in writing, containing a description of the lots and pieces of land upon which such taxes so remain unpaid, together with the amount to tax assessed to each, and he shall make and subscribe an affidavit to such statement, before some person authorized to administer oaths, that the taxes mentioned in such statement remain unpaid, and that after dilligent effort he has been unable to collect the same.

Ibid. § 13. The town clerk, upon the delivery to him of such statement, shall give a certificate to the treasurer of the amount of taxes so remaining unpaid, which certificate shall be deposited by the treasurer with the district clerk, and shall be filed by said clerk.

Ibid. § 14. The town clerk, in making out the assessment of the town next thereafter, shall enter such unpaid

taxes in said roll opposite to the description of the land upon which the taxes so remain unpaid, and such taxes shall be collected in the same maner as town and county taxes are collected, and when so collected shall be paid over to the district treasurer.

Duty of Assessors.

§ 15. It shall be the duty of the assessors of the town of West Bend, as soon as the assessment roll of the town is completed in each year, to make out a description of all the taxable property in the West Bend Union School District, with the valuation affixed thereto, as the same appears from said assessment roll, and deliver the same the clerk of said district.

Special meeting.

§ 16. It shall be the duty of the clerk of said district number two (2), of West Bend, to call a special meeting to organize under this act, within ninety days after receiving notice of the passage thereof, and the officers then chosen shall hold their offices for one year from the last Monday in September following, and they shall, as soon as elected, enter upon the duties of their respective offices, and the present officers shall be released from all further duties.

Liabilities.

§ 17. All debts of school district number two (2) of the town of West Bend, and all contracts entered into by said district previous to the passage of this act, shall be valid and continue as if no change had taken place.

§ 18. Whenever any lawful act is required to be done in and about said West Bend Union School District, and not by this act provided for, the present school law shall in all cases govern.

School moneys.

§ 19. Nothing in this act shall be construed as in any way abridging or effecting the provision of law now in force, relating to the distribution of school moneys to the several districts in the State, and the clerk of the said West Bend Union School District shall make all reports to the town superintendent now required by law to be made by district clerks to such town superintendent, and said town superintendent shall annually apportion and pay over to the treasurer of said West Bend Union School District, the amount of school moneys to which such school district shall be entitled.

§ 20. This act shall take effect from and after its passage.

Approved March 17, 1859.

CHAPTER 148.

AN ACT to amend the Chapter [Charter] of the City of Kenosha.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Common Council.

SECTION 1. The Common Council of the city of Kenosha shall have generally the charge and control of all interest the city of Kenosha now has, or may hereafter have in the Kenosha, Rockford and Rock Island Railroad.

Commissioner.

§ 2. The City Council shall from time to time appoint some suitable person to represent the interest of said city in said rail road, who shall hold his office at the pleasure of the Council, and at such compensation as they may prescribe; and such person beng duly appointed shall be ex-officio a member of the Board of Directors of the Kenosha, Rockford and Rock Island Railroad company, with all the duties, responsibilities and powers incident to the office of a director under the charter of said railroad company; he shall attend all meetings of the stockholders of the Kenosha, Rockford and Rock Island Railroad Company, and vote in person the same as any individual stockholder on all shares of stock held by the city of Kenosha in the stock of said company; and shall when required make such communications and recommendations to the Common Council relative to the affairs of said railroad company as the interest of said city shall warrant, and as shall inure to the benefit of the tax payers of said city.

Repeal of chapter 12.

§ 3. Chapter 12 of the City Charter of the city of Kenosha, together with any and all provisions in said charter providing for the election of a Railroad Commissioner, or conflicting with the provisions of this act, embraced in "an act to consolidate and amend the act to incorporate the city of Kenosha, and the several acts amendatory thereof," approved March 2d, 1857, are hereby repealed.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 149.

AN ACT to authorize Abraham Brawley to maintain a Boom on the Wisconsin River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Abraham Brawley, his associates and assigns is hereby authorized to maintain a boom across the Wisconsin river, between section 30, in town 24 of range 8, and section 25, town 24, range 7 east, of the fourth principal meridian. Authority to maintain a boom.

§ 2. That in some suitable place in said boom there shall be a space of 60 feet to admit of the free passage of all rafts, boats and other craft without any hindrance let or delay to the owner or owners thereof. Passage of rafts &c.

§ 3. Any person or persons driving logs or timber into said boom if the same is to be used above the dam on Shaurette Rapids, and all sawed lumber and square timber in rafts or otherwise, that may or shall drift into said boom, the owner or owners thereof shall pay unto the owner or keeper of said boom the following tax or compensation for the stopping of such property, the said Abraham Brawley, his associates or assigns, shall demand and receive and is hereby authorized by law to collect the sum of fifty cents per thousand feet board measure, of all logs or timber sorted out, rafted and delivered at the foot of said boom, exclusive of all scaleage of said logs or timber. Toll.

§ 4. And also for all lumber and timber that shall drift into said boom, he the said Brawley, his associates or assigns shall collect for all square timber the sum of two cents per foot, lineal measure; and for every thousand feet of lumber in raft or otherwise, the sum of fifty cents per thousand feet; the said timber and lumber to be delivered at the foot of said boom, and said lumber shall be estimated in the manner and form as is usual for measuring lumber at the mills on said river. Ibid. Boom charges.

§ 5. The charges for scaleage and boom charges, shall be a lien on said property and deemed due and shall be paid on the delivery and before the removal of said property.

§ 6. All persons wishing to drive logs into or below said boom shall by the first day of April in each year file or cause to be filed a copy of their marks used, with the clerk of the city of Stevens Point, and all logs that Copy of marks to be filed.

CHAPTER 150. the owner or owners wishes to have passed, having such marks shall be passed free of all charges or delay, allowing a reasonable length of time to separate them from other logs in the boom.

Penalty for removing lumber before paying charges.

§ 7. Any person taking or removing any lumber, logs or square timber before first paying for the same, according to sections 2 and 3 of this act shall be deemed guilty of larceny, and shall be punished by imprisonment in the county jail not more than six nor less than one month, or by fine not less than fifty nor more than five hundred dollars.

§ 8. This act to take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 150.

AN ACT to amend an act. approved March 14, 1853, entitled "an act to incorporate the Ellis Level Mining Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. The act of which this is amendatory is hereby amended, by adding to the persons mentioned as corporators in the first section, the names of Montgomery M. Cothren, Richard L. Reed, Elias Pilling, and William T. Henry, and the name and style of the corporation is hereby altered to the name and style of "the Calamine Flouring Company," by which name and style it shall hereafter be known and called.

Authority to erect mills, &c.

§ 2. The said company is hereby authorized to erect at or near the village of Calamine, a flouring mill, and for that purpose to construct all necessary dams, races, flumes and other works and to carry on the business of grinding grain.

§ 3. All the provisions of chapter 56 of the Revised Statutes, entitled "Of Mills and Mill Dams," shall apply to this act.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 151.

AN ACT to lay rut a State Road from Waterford, Racine county, to Waukesha, in Waukesha county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. John S. Baldwin, William A. Vanderpool and Ezra S. Purple, are hereby appointed commissioners to lay out and establish a state road, or any part thereof, from the village of Waterford, in Racine county, to the village of Waukesha, in Waukesha county, upon the most direct and practicable route, and to adopt on said route any public highway that they may deem best. *Provided*, that no part of the expense of laying out or opening said road shall be paid out of the State, or any town or county treasury. Commission to lay out State road.

§ 2. This act shall take effect and be in force from and after its passage.

Approved, March 17, 1859.

CHAPTER 152.

AN ACT to authorize Daniel W. Hubbard and J. T. H. Churchill, to keep and maintain a Ferry across Big Sturgeon Bay.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Daniel W. Hubbard and J. T. H. Churchill, their heirs, executors, administrators and assigns, shall have the exclusive right and privilege, for the term of ten years, of keeping and maintaining a ferry across Big Sturgeon Bay, in Door county, from the terminus of the public road leading from Green Bay to Sturgeon Bay, to section eight, town twenty-eight, range twenty-six, on the north side of said Sturgeon Bay. Authority to keep ferry.

§ 2. The said ferry shall be subject to such regulations as other ferries are or may be by law; and the proprietors thereof shall be entitled to receive for crossing any vehicle drawn by one or two horses, or one yoke of oxen, fifty cents, for each additional horse or ox twenty-five cents; for cattle or horses in droves, Regulations, tolls, &c.

eight cents; for hogs and sheep in droves of ten, three cents; for foot passengers, ten cents each.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 153.

AN ACT to incorporate the Half Moon Lake Canal Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Body corporate

SECTION 1. Adin Randall, Daniel Shaw, their associates and successors, are hereby declared to be a body corporate by the name and style of the Half Moon Lake Canal Company, and as such company, may sue and be sued, have a common seal, and make such regulations and pass such by-laws as may be necessary for the government of such corporation, not inconsistent with the laws of this State; to prescribe what sum shall constitute a share of stock in said company, and how said shares shall be transferred or forfeited, and to determine the number of officers necessary for said corporation, and the style and tenure of their offices.

Capital stock.

§ 2. The capital stock of said corporation shall not exceed the sum of twenty-five thousand ($25,000) Dollars.

Object of corporation.

§ 3. The object and purpose of said corporation shall be to construct and maintain a canal from the Chippewa river to Half Moon Lake, from such point upon the Chiypewa river to said lake, as shall to said company seem proper for the purpose of floating, securing logs, spars, square timber, shingles, cants, shingle bolts and lumber, to said lake, and they are hereby vested with all the powers necessary for the purposes of this section not prohibited by the Constitution of this State.

Water power.

§ 4. In case any water-power should be created by said canal, said water-power shall become the property of the owners of the land upon which said water-power is situated, and said water-power shall be taken into consideration in assessing all damages sustained by the parties owning any land through which said canal shall be constructed.

§ 5. Said company shall have power to erect and maintain a wing-dam, and a boom or booms in the Chippewa river, for the purpose of stopping logs, spars, square timber, shingles, cants, shingle-bolts, and lumber in order to force them through said canal into said lake. *Provided*, that said dam and boom or booms shall be so arranged as to permit the passage of boats, rafts, and water craft, at all times without any let, hindrance or delay; and said company shall be responsible for damages done to the property of others in detaining or injuring the same. Booms, &c.

§ 6. Whenever any logs, spars, timber, shingles, or other lumber shall be secured in said lake or booms for persons not members of said corporation, the said corporation shall be allowed therefor a toll or boomage of fifty (50) cents per thousand feet board measure, and ten cents per thousand for shingles in bolts; and persons or companies holding or owning saw mills on the banks of said lake, shall have the privilege of keeping in said lake or booms the logs secured or boomed for them by said corporation as aforesaid, for the space of one year without extra charge, and may raft in and through said lake into the Chippewa river, the lumber manufactured by them without any extra charge whatever. And said corporation shall have a lien on all logs, lumber, or timber so boomed or secured by them for the payment of boomage. Toll, &c.

§ 7. In case any owner of any land through which said canal may pass, shall be agrieved thereby, he may institute any proper form of action against said company or the owners of said canal, in the Circuit Court of the county where the land is situated; and such owner shall be entitled to such damages as a jury shall assess, and judgment shall be rendered in said court on their verdict, for or against said owners, as the case may be, which judgment shall be a lien on the real estate of the owners of said canal jointly and severally, and shall be subject to review, as other judgments of the circuit court. *Provided*, that if the amount of said judgment is not paid by the owners of said canal, or said company, in one year after its rendition, or affirmed by the supreme court in case of appeal, then said company shall forfeit all rights to the use of the land for which damages were assessed, and said judgment, except as to costs, shall be void. Grievances, &c. Proviso.

§ 8. In the judgment of the legislature, it is inex-

CHAPTER 154. pedient to provide by general laws for the organization of corporations with the powers and for the purposes contemplated by this act, and therefore the objects cannot be attained except by special law.

§ 9. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 154.

AN ACT to authorize the building of a pier in the Town of Moselle, in the county of Sheboygan, extending into Lake Michigan.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to erect a pier.

SECTION 1. That Frederick Lintz and Theodore Waensch of said county, jointly or severally, are hereby authorized to erect of suitable materials, a pier for commercial and shipping purposes, extending from the shore into the navigable parts of Lake Michigan, adjacent to lands owned by them, or either of them, in the town of Moselle, in said Sheboygan county, in a manner so as not to interfere with the rights of other riparian owners.

Ibid.

§ 2. Said Lintz and Waensch, jointly or severally, their heirs or assigns, are hereby permitted, and it shall be lawful for them, or either of them, to keep in repair and maintain such pier for their exclusive use and benefit.

§ 3. No general act of the legislature of this state shall effect a repeal of the provisions of this act, without special reference thereto.

§ 4. This act shall be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 155.

AN ACT to provide for laying out a State Road therein named, in Sheboygan county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That George C. Cole, Thomas J. Blackstock, and Augustus L. McRea, be and they are hereby appointed commissioners to lay out and establish a State Road, commencing at the mouth of Little Pigeon River, in the county of Sheboygan, running thence to the north east corner of the north east quarter of section three, township fifteen, range twenty-three, thence on the town line between township fifteen, range twenty-three, thence on the town line between township fifteen, range twenty-three, and township sixteen range twenty three, due west until the said road connects with the Sheboygan and Calumet Plank Road. *Provided*, That no part of the expense of laying out said road shall be paid out of the State Treasury. Commission to lay out a State road.

§ 3. This act shall be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 156.

AN ACT to provide for laying out a State road from Black River Falls to Bayfield.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. John Judge, John E. Perkins and John E. Hanley are herby appointed commissioners to lay out and establish a state road from Black River Falls, in Jackson county, by way of Augusta, in Eau Claire county, and Chippewa Falls, in Chippeway county, the mouth of Flambeau river, thence to Conterelle and Bayfield, in La Pointe county. Commission to lay out a State road.

§ 2. The said commissioners shall receive a just compensation for their services from the counties through which the road shall pass; each county paying a just proportion of said expense. Compensation.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 157.

AN ACT in relation to the Emanuel Cemetery Association.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to sell property.

SECTION 1. The Emanuel Cemetery Association of the city of Milwaukee is hereby authorized to sell and convey to such person or persons as may desire to purchase, all that part of their cemetery ground in the ninth ward of said city of Milwaukee, which is not required for further interments and does not cover lots or parts of lots heretofore sold to individual proprietors for burial places.

Terms and conditions of sale.

§ 2, The amount of land to be sold under the authority given by this act, and the precise location thereof, as well as the terms and conditions of the sale shall be regulated and fixed by the trustees of said association, and approved by a majority of the members thereof present at a general meeting to be called for that purpose; the conveyance to the purchaser shall be made under the corporate seal of said association and countersigned by the president and secretary, and the purchaser shall hold the land so conveyed to him with the same title with which the said association now holds the same, but free from the restrictions under which it is held by them, and shall use, enjoy and dispose of the same as though it had never been held and occupied exclusively for a cemetery, for the burial of the dead.

§ 3. This act shall take effect and be in force immediately after its passage.

Approved March 17, 1859.

CHAPTER 158.

AN ACT to establish a Code of Proceedure for the Police Court of the city of Stevens Point.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Term of office.

SECTION 1. The term of office of the Police Justice shall be two years, and he shall have and possess the jurisdiction conferred upon him by the charter of the city of Stevens Point, and the acts amendatory thereof.

§ 2. The city of Stevens Point, in its corporate name, may sue for and recover any all fines, penalties and forfeitures under said city charter, and the acts amendatory thereof, or under the ordinances, by laws, or police or health regulations made in pursuance thereof, any general law of the State to the contrary notwithstanding, and such action shall be commenced by complaint substantially in the following form: Suits for recovery of fines, &c.

STATE OF WISCONSIN,
PORTAGE COUNTY, CITY OF STEVENS POINT. } ss.

——— ——— being duly sworn, complains on oath to the police justice of the city of Stevens Point, that ——— ——— did, on the —— day of ——— 18—, violate the —— section of an ordinance, by-law or resolution (describing it by its title), which said ——— is now in force, as this complainant verily believes, and prays that said ——— ——— may be arrested and held to answer to the said city of Stevens Point therefor. Form of complaint.

Subscribed and sworn before me, this —— day of ———, 18—.

It shall be sufficient to give the number of the section or sections and the title of the ordinances, by-laws, regulations, or resolutions or of the law violated, in such complaint; and said complaint may be sworn to before any officer authorized to administer oaths in the courts of this State. Upon the filing of such complaint in the office of the police justice, he shall issue a warrant thereon substantially as follows:

STATE OF WISCONSIN,
CITY OF STEVENS POINT, COUNTY OF PORTAGE. } ss.

To the Sheriff or any Constable of said county, or to the Marshal of the city of Stevens Point, Greeting:

Whereas ——— ——— has this day complained to me in writing, on oath, that ——— ——— did, on the —— day of ——— 18—, violate the section or sections, of an ordinance, by-law, regulation, or law, (describing it by its title), which said ——— is now in force and effect as said complainant verily believes; Therefore, in the name of the State of Wisconsin you are hereby commanded to arrest the body of the said ——— ——— and him bring before the police justice Form of warrant.

CHAPTER 158. of said city, to answer to said city of Stevens Point on the complaint aforesaid.

Given under my hand this —— day of ——— 18—.

——— ———

Police Justice.

Proceedings upon return of warrant.

Upon the return of the warrant the court may proceed summarily with the case, unless it be continued by consent or for cause. If the cause be adjourned, the defendant, if required by the court so to do, shall recognize, with surety, for his or her appearance, in such sum as the court shall direct; or in default therefor, may be put in charge of the officer who made the arrest, or be committed to the common jail of Portage county. The complaint made aforesaid shall stand in lieu of a declaration, and the plea of not guilty shall put at issue all subject matter which pertains to the defense of the action.

Evidence of passage of ordinances, &c.

§ 3. A printed copy of an ordinance, by-law or resolution passed by the common council and published in a newspaper, or in pamphlet or book form, shall be prima facie evidence of its due passage and publication, and may be received in evidence after issue joined and before trial in all cases cognizable before the police justice. The defendant may demand a jury of not more than twelve nor less than six men, and shall designate the number at the time of the demand. The proper officer, whom the justice may direct, shall thereupon make a list of twice the number of persons demanded, who may be qualified to serve as jurors in courts of record in Portage county, and the parties shall then alternately strike therefrom, the defendant commencing, so many names as will leave remaining the number demanded. The court shall thereupon issue a venire, commanding the officer to summon those so remaining to appear before him at such time as he may direct to make a jury for the trial of said action, and the court may compel their attendance by attachment. Either party may challenge any juror for cause, and deficiencies occasioned thereby, or by any other cause, shall be supplied by talesman, to be selected and summoned by the officer. If the defendant shall not demand a jury, the city or State may demand a like jury as is above provided; and if no jury be demanded it shall be deemed a waiver of a jury trial. If either party declines to strike from the list the names which

he is entitled to strike, the court shall strike the same for such party. Each juror shall receive for his services twenty-five cents. CHAPTER 156.

§ 4. Witnesses and jurors shall attend before the police court, in all city and criminal prosecutions, without the payment of fees in advance or a tender thereof, upon the process of the court duly served, and in default thereof their attendance may be enforced by attachment. In case the jury, after being kept a reasonable time, should disagree, they shall be discharged without the payment of fees, and thereupon the court shall adjourn the cause to a day certain, and issue a new venire as aforesaid. Witnesses and jurors.

§ 5. In city prosecutions the finding of the court or jury shall be either guilty or not guilty; guilty the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture contained in the ordinance, by-law, or resolution for the violation of which the person or persons shall have heen adjudged guilty, and for the cost of suit; but if not guilty the costs shall be taxed against the city. Upon conviction and the nonpayment of such judgment, the court may forthwith issue an execution, and shall determine and enter upon the docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the commitment or execution. Such execution may be in the following form: Costs of suits, &c.

STATE OF WISCONSIN, }
COUNTY OF PORTAGE, CITY OF } ss.
STEVENS POINT. } Form of execution.

To the Sheriff or any Constable of the county of Portage, the Ctty Marshal and to the keeper of the common jail in said county:

Whereas the city of Stevens Point, on the —— day of ——— 18—, recovered a judgment before the police court of said city, against ——— ——— for the sum of —— dollars, together with —— dollars costs of suit, for the violation of (here insert the number of section and title of the ordinance, as set forth in the complaint), these are, therefore, in the name of the State of Wisconsin, to command you to levy distress on the good and chattels of the said ——— ——— (excepting such as the law exempts), and make sale thereof, according to the law in such case made and provided, to the amount of said sum, together with your fees and twen-

ty-five cents for this writ, and the same return to me in thirty days; and for want of such goods and chattels whereon to levy, take the body of the said ——— ——— and him convey and deliver to the keeper of the common jail in Portage county. And the said keeper is hereby commanded to receive and to keep in custody in said jail the said ——— ——— for the term of ———, unless said judgment, together with all costs and fees, are sooner paid, or he be discharged by due course of law.

Given under my hand and seal this ——— day of ——— 18—.

——— ———

Police Justice. [L. S.]

Form of commitment.

The form of commitment may be substantially the same as that of the execution, leaving out all that relates to levy and sale and r turn of writ.

Appeals.

§ 6. The defendant in all city prosecutions, may appeal to the circuit court of Portage county by filing an affidavit and bond, and complying with all the requirements of appeals in civil cases before justices of peace: *Provided, however*, that such appeal shall be taken and perfected within twenty-four hours from the time that judgment is rendered in the suit. Upon any appeal being taken and allowed, the police justice shall stay all further proceedings in the case, and the defendant, if in custody, shall be discharged; and the police justice shall transmit the papers in the case so appealed, with a transcript of his docket, to the clerk of the circuit court on or before the first day of the term thereof next after the appeal shall have been allowed.

Fees.

§ 7. The jail fees and officers fees for commitment in prosecutions in behalf of the city, shall be audited and allowed by the common council, when the same cannot be collected of the defendant before his discharge; and said common council may by resolution direct the police justice to discharge from jail any person confined for a judgment due said city, but such discharge shall not operate as a release of the judgment unless the common council shall so direct in their resolution. Upon filing a certified copy of such resolution, attested by the clerk of the common council, the police justice shall order such defendant discharged from custody, and make an entry of such discharge upon his docket. An execution may issue or be renewed by indorsement from time to time before or after the commitment of the de-

fendant, until the judgment is satisfied or released; but afte the defendant shall have been committed, no execution shall be issued against the body of the defendant, nor, if previously issued, shall authorize the taking of the body of the defendant thereon.

§ 8. This act shall take effect from and after its passage, and all act and parts of acts contravening any of the provisions of this act, are hereby repealed. Repealed.

Approved March 17, 1859.

CHAPTER 159.

AN ACT to vacate Gordon's subdivision in the city of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The plat of blocks, lots, streets and alleys in the north-west quarter of section five in the eight ward of the city of Milwaukee, known as "Gordon's subdivision of the city of Milwaukee," surveyed and staked out by W. S. Trowbridge, surveyor of said city, as by his certificate bearing date July 25th, 1857, and accepted and adopted by a resolution of the common council of said city, on the first day of June, 1857, and recorded in the office of the register of deeds of the county of Milwaukee in Plat Book No. 2, on page 62, is hereby vacated. Vacation of lots, &c.

§ 2. This act shall take effect and be in force from and after its passage.

Approved, March 17, 1859.

CHAPTER 160.

AN ACT to incorporate the Ashland, and Iron Mountain Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. S. S. Daggette, Wm. P. Young, Horatio Hill, T. C. Dousman, Edwin Palmer, J. S. Buck, Martin Beazer, John S. Harris, R. B. Bell, I. A. Lapham, J. F. Hill, J. C. Cutler, B. W. Brisbois, J. B. D. Cogswell, M. W. McCracken, and Edwin Ellis, are hereby Body corporate privileges, &c.

CHAPTER 160. created a body corporate, by the name of the Ashland and Iron Mountain Railroad company, and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities [pertaining] to a corporation, they shall be capable in law of purchasing, holding and selling, leasing and conveying estate, real, personal, or mixed, and may take and hold such estate by gift, grant, purchase, demise, or lease; they may have and use a common seal, and alter, break and renew the same at pleasure, may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, and generally do and perform all the acts and things which to such corporations it shall be lawful to do and perform, and if one or more of the persons named in this section shall die, or shall neglect or refuse to execute the powers and discharge the duties hereby created it shall be the duty of the remaining persons hereinbefore named or a majority o them to appoint a suitable person or persons to fill suc vacancy or vacancies, so often as vacancies shall occur.

Location of road.

§ 2. The said railroad company shall have power to locate a railroad, with one or more railways or tracks, from any point on the shore of Lake Superior or Chegwonagon Bay in La Pointe county, between the fourth principal meridian and range six, (6) west, to the Iron Range in towon forty-four, (44) range three (3) west, and shall have authority to construct their main line of railroad southerly through or across said Iron Range, to connect with the Milwaukee and Horicon railroad, and to operate the same with such railroad in such manner and on such terms and conditions as the Board of Directors shall from time to time determine.

Capital stock.

SECTION 3. The capital stock of said company shall be one million dollars, and shall be divided into shares of one hundred dollars each. The Board of Directors shall have power to increase the capital stock from time to time, two-thirds of the members of said directors voting in favor thereof.

Subscription books.

§ 4. The above named persons, or a majority of them, are hereby authorized to open books for receiving subscriptions to the capital stock of said corporation, and shall prescribe the form of such subscription, which books shall be opened within two years from the passage

of this act, at such place or places as they may deem expedient, by giving two weeks notice in some newspapers published in the city of Milwaukee.

Election of Directors, &c.

§ 5. So soon as five hundred shares or more of the capital stock of said corporation shall be subscribed, the above named corporation, or a majority of them, shall give notice to the stockholders in such manner as they may determine, of a time and place for holding a meeting of the said stockholders, to choose directors for the said corporation· and the said stockholders may at such meeting, proceed to elect nine directors from the said stockholders, by ballot, each share of stock entitling the owner thereof to one vote, and the corporators mentioned in the first section of this act, or such of them as are present at the said meeting shall be inspectors of such election, and shall certify in writing what persons are elected directors, and shall appoint the time and place of holding the first meeting of the board of directors, at which meeting a majority shall form a quorum competent to transact the business of the said company, and thereafter an election of directors shall be held annually at such time and place as the stockholders shall at their first meeting determine, and if the said stockholders shall fail to appoint the time and place for said election, then the board of directors may fix the time and place of said meeting, and shall give thirty days notice to the stockholders, of such meeting, and in case no election is had on the day appointed, the directors last elected shall hold until an election has been held, and others elected in their stead.

Board of Directors.

§ 6. The affairs of said corporation shall be managed by a board of not less than nine and not more than fifteen directors, who shall be chosen annually by ballot, as hereinafter prescribed by the stockholders of the said company, the votes to be delivered in person or by proxy, duly authorized, which directors shall appoint one of their own number to be president, and shall respectively serve for one year, or until other directors are elected, they shall have power to make and establish such by-laws, rules and regulations, not inconsistent with the constitution and laws of this state, as may be necessary for the well-ordering of the affairs of said company.

None but stockholders allowed to vote.

§ 7. None but stockholders shall be elected directors, and at every election, and in all cases where stockholders shall be called upon to vote, each share of the

CHAPTER 160. stock shall be entitled to one vote, and in all cases of elections of directors, the stockholders having the highest number of votes shall be declared elected.

Meeting of Directors.

§ 8. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter decide upon. A majority of said directors shall be a quorum for the transaction of business, who, in the absence of the president, shall appoint a president *pro tem*. The said directors shall appoint a secretary, treasurer and such engineers and other officers as they may find necessary, and they shall have full power to fix the compensation of all officers and agents, and may demand adequate security for the performance of their respective trusts; they shall decide the time and manner and proportions in which the said stockholders shall pay the money due on their respective shares, and forfeit to the use of the company the share or shares of every person or persons failing to pay any installment so required, at a reasonable period not less than sixty days after the time by them appointed for the payment thereof; they shall have full powers to regulate tolls, to make such covenants and agreements with any person, co-partnership or body politic whatsoever, as the construction and management of the works and the convenience and interest of the company may require, and in general to superintend and direct all the operations, receipts, disbursements and other proceedings of the company: *Provided*, That no installment called in at any one time, shall exceed ten dollars per share, and that no installment shall be called for by the directors without at least thirty days notice thereof, in the newspapers hereinbefore named.

Tolls, &c.

Certificate of shares.

§ 9. The directors chosen as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she may subscribe for, or hold in said corporation signed by the president and countersigned by the secretary, and sealed with the common seal, subject, however, to all payments due or to become due thereon, which stock shall be transferrable in person or by attorney, executors, administrators, guardians or trustees under such regulations as may be provided for in the by-laws of said company.

Annual meeting.

§ 10. At each annual meeting of the stockholders, for the purpose of electing directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and doings of the company for

such year, and special meetings of the stockholders may be called by order of the directors or by stockholdrs holding one-fourth of the capital stock, on like notice as that required for annual meetings, specifying moreover, the object of such meeting; but no business shall be transacted at such special meeting unless a majority in value of the stockholders shall attend in person or by proxy.

Powers of Company.

§ 11. The said company shall have power to transport, take and carry property and persons upon the same, by power and force of steam, of animals, or of any mechanical or other power, or by any combination of them; and they shall also have power to make, construct and erect all such side tracks, turn-outs and connecting tracks, and also such warehouses, toll houses, machine shops, carriages, cars and other works and appendages as may be necessary for the convenience of the company, for the use of said rail road, and also to connect said railroad and operate the same with other railroads and branch railroads in the State of Wisconsin, and consolidate the capital stock of the said company with the capital stock of any railroad company with which the roads of the said companys shall intersect, and shall have full power to place the road of the company and its capital stock so consolidated, under the direction of a joint board of directors of not less than nine nor more than fifteen, to be chosen on such terms as the directors of the companies consolidating their capital stock shall agree upon.

§ 12. If said corporation shall not, within four years from the passage of this act, commence the construction of said railroad, then the rights, privileges and power of said corporation, under this act, shall be void.

Right of way.

§ 13. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage, and when the said route shall be determined by the said company; it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of and use such lands, not exceeding one hundred and thirty feet in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or such as shall be

Compensation for lands taken.

CHAPTER 160. ascertained in the manner hereinafter directed and provided in such cases respectively; and said company are further authorized by their officers, engineers, agents, and servants to enter upon lands adjacent to the rail road beyond the limits of one hundred and thirty feet, in the manner provided in this act, when necessary for the purpose of erecting depot buildings, station houses and necessary fixtures for the operation and for the business of said road, and for the purpose of making drains and giving proper direction to water courses across or along said road, when the same are necessary beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposit earth, gravel and stone taken from cuts, and to obtain earth gravel, stone and other materials for embankments and structures necessary to the construction and repairs of said road, doing however, no unnecessary damage, and all lands so acquired, and all damage which shall be done to any lands or property under the provisions of this section, shall be ascertained and paid for in the manner and agreeably to the provisions hereinafter provided; and when such damge shall have been paid for, or tendered, the title of the lands occupied by such fixtures, excavations and embankments shall vest in fee simple in said company.

Jury to estimate value of lands taken.

§ 14. When the said corporation cannot agree with the owner or owners of such required land for the purchase thereof, or when by reason of the legal incapacity or absence of any such owner or owners, no such agreement or purchase can be made, then and in that case it shall be lawful for any judge of the supreme court of this state, on application of the said company, and at the cost and charge of said company, to appoint three disinterested persons, residing in the counties through which the said road runs, whose duty it shall be to view and examine the lands so taken, with the buildings and improvements, if any thereon, and to estimate the value of land so taken or required by the said company, and all damages which the owner or owners thereof shall sustain or may have sustained by reason of the taking of the same for the construction and use of said road, or works, appertaining thereto, taking into consideration the advantages of the same by means of the construction and operation of the said road to said owner or owners, and it shall be

the duty of the said company to give three weeks' notice of their application to the judge of the supreme court for the appointment of said commissioners, to be published for three successive weeks in a newspaper published at the capital of this state, and also in a newspaper if any published in each of the counties through which said road may be located, and the affidavit of the publisher or printer shall be legol evidence of such publication; and the persons so appointed, before entering upon the discharge of such duties, shall take, before some justice of the peace, or other person competent by law to administer oaths, faithfully and according to the best of their abilities, to examine the land so taken or required by said company, and impartially to estimate and approise the value of the same and the damage or injury which the owner or owners thereof shall have sustained or may sustain by reason of the taking and using thereof by the said company, over and above the benefits and advantages which such owner or owners shall derive from the construction of such railroad, whereupan such commissioners shall proceed to examine the premises and estimate the value of such land, and the amount of damages, if any, over and above the benefits and advantages which may accrue to such owner or owners as aforesaid, and shall make a report in writing of such valuation, under their hands and seals, to the circuit court of the county where the land lies, and shall return the same within thirty days after their appointment to the clerk of the circuit court of the county in which they reside, and it shall be the duty of the said clerk to file the same, and in case no appraisal shall be made within thirty days after the filing of the said report, as herein provided, then the said clerk shall record the same at the expense of said company, and judgment of the said court shall be entered thereon, on motion of either party, at any term of said court; *Provided*, That either party may appeal to said court, within thirty days after said report shall have been filed in the clerk's office, and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empanneled to try the same shall find the value of the land so taken or required by said company, and the damage which the owner or owners thereof shall have sustained or may sustain by the taking of the same, over and above the benefits which shall accrue to such owner or owners

Appointment of Commissioners

Report of Commissioners.

Proviso—appeal.

CHAPTER 160. from the construction of such railroad, and judgment of court shall be entered accordingly; *Provided, also*, That it shall not be lawful for the said commissioners or said court to proceed in the assessment of damages or in the valuation of any lands or materials as aforesaid, in the absence of the owner or owners thereof, his, her, or their agents or attorney, unless it shall be shown to them by competent testimony that she said owner or owners have had at least five days notice of the time and place at which such assessment or valuation was to be made, or that the said owner or owners are absent from the State of Wisconsin; and if the said owner or owners shall be minors, or *non compos mentis*, or absent from the State, the service or notice may be made on the guardian or trustee, if there be any, or in such manner as the court may direct; *Provided*, That upon the making and filing of any report, as aforesaid, and payment or legal tender of the amount of any valuation or appraisal specified therein to the owner or owners of any such lands, his, her, or their legal representatives, the said company, their agents, or the contractor for making or repairing said railroad, may immediately take and use the same without awaiting the issue of any appeal brought thereon.

Assessment of damages.

Judgments.

§ 15. Whenever any judgment shall have been entered, as hereinbefore provided, for the value of any lands or for any damages for the taking and using of the same, and the amount specified in such judgment, shall have been paid or tendered to the owner or owners of such lands, his, her, or their legal representatives, the said company shall be entitled to easement of the same, so long, as it shall be used for the tracks of said railroad, depot buildings, station houses, and necessary fixtures, and if such valuation be not received when tendered, it may at any time thereafter be received, or may be collected from said company by action at law, at the cost and expense of the person or persons entitled to the same; *Provided*, That the cost of any proceedings and judgments specified in the last preceding section, shall be taxed by the court and paid by said company, except in cases where, upon appeal, the verdict of the jury shall be for the same or a less sum than that reported by the said commissioners.

Proviso—cost of proceedings.

Obstructions to public road.

§ 16. The said railroad shall be so constructed as not to impede or obstruct the free use and passage of any public road or roads, which may cross the same,

and in all places where such railroad may cross or in any way interfere with any public road, it shall be the duty of said company to make, or cause to be made, a sufficient causeway or passage-way to enable all persons travelling such public road to pass over or under such railroad without inconvence; *Provided*, That in cases where said railroad may come in contact with any public or private road, so as to occupy any part of such road, it shall be lawful for said company to construct said railroad across or upon such road after altering and putting the same in as good condition as before, and for that purpose the said company shall, previous to occupying any part of such road, construct a new road in part or in whole as may be necessary, on grounds adjacent to such road, and in every respect complete such newly constructed road or part of a road so interfered with, as substantially as it was previous to the disturbance and occupancy thereof of said company.

Bridges, &c.

§ 17. For the convenience of persons owning or possessing lands through which said road shall pass, it shall be the duty of said company, when required, to make a good and sufficient passage-way over or under said railroad whenever the same may be necessary, to enable the occupants of said lands to pass over or under the same with wagons, carts and implements of husbandry, as occasion may require; *Provided*, That the said company shall in no case be required to make more than one such passage-way for each farm, and when any public road shall cross said railroad in any farm, the person owning or possessing such farm shall not be entitled to require said company to make any additional causeway.

Declared to be a public act.

§ 18. This act shall be construed favorably to effect the purpose hereby intended, and the same is hereby declared to be a public act, and copies thereof published by authority of the State of Wisconsin shall be received as evidence thereof.

Penalty for placing obstructions on track.

§ 19. Any person who shall wilfully and maliciously place any obstruction upon the track of said road, or remove or damage any part thereof in such a manner that the engine or cars may be impeded or thrown off the track, shall be guilty of a misdemeanor, whether such result shall happen or not, and shall be punished for every such offence by imprisonment in the state prison for a term of not less than one nor more than

CHAPTER 160. five years, at the discretion of the court, and in case any damage shall result from the placing such obstructions, or injury to said road, said party shall be liable to pay all such damage to said company and to any other party damaged or injured thereby, and in case any accident shall happen, in consequence of placing such obstructions, or in consequence of the wilful and malicious breaking or injuring said road, whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeably to the law in such case made and provided.

Damages.

Authority to borrow money, &c.

§ 20. The said railroad company are hereby authorized and fully empowered in their corporate name and capacity to borrow any sum or sums of money from any person, corporations, or body politic, of any kind, and for any rate of interest that may be agreed upon by and between said company, and any person or party of whom such money may be obtained, and make and execute in their corporate name all necessary writings, notes, drafts, bonds or other papers, and make execute and deliver such securities in amount and kind as may be deemed expedient by said corporation, any law on the subject of usury in this state, or any other state, to the contrary notwithstanding, and the powers of said corporation for the purposes aforesaid, and for all purposes necessary in carrying out the object of said company and the contracts and official acts of said company, are hereby declared binding in law and equity upon said corporaion and all otther parties to said contracts.

Purchase of lands.

§ 21. This act shall be in force from and after its passage, and it shall be lawful for said company to purchase lands adjoining or adjacent to said railroad for the purpose of procuring earth, gravel, stone or other materials for the construction and repair of said road or buildings and fixtures connected therewith, and whenever such lands shall no longer be needed for the purpose aforesaid, the said company are hereby authorized to sell and convey the same.

Incumbrances.

§ 22. In case there shall be incumbrances upon the land taken as hereinbefore provided, it shall be sufficient for the said company to deposit the amount of damages assessed as herein provided, with the clerk of the circuit court of the county where the land lies, to be paid over by the said clerk to the owner of said

land, or his lawfully authorized agent, upon the removal of the said incumbrances.

Consolidation.

§ 23. If the said company shall consolidate their capital stock with any other railroad company, the joint board of directors may adopt such name as they may see fit, or merge the name of either company into the name of the other, and said company so formed may adopt the character of either company, by resolution, and shall, after said adoption, have all the powers, and exercise all the rights, privileges and franchises of the character so adopted, and shall cause to be filed with the Secretary of State, under the seal of said company, a certified copy of said resolution.

Restriction.

§ 24. The franchises, privileges and immunities hereby granted to said railroad company shall be null and void in six (6) years from and after the passage of this act, should said company fail to have ten miles of said railroad constructed and in actual operation within that time.

Approved March 17, 1859.

CHAPTER 161.

AN ACT to incorporate the La Crosse, Viroqua and Muscoda Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Body corporate -privileges, &c.

SECTION 1. William H. Austin, David A. Barnard, John J. Cole, Harvey E. Hubbard, Hermon Greeves, Royal C. Bierce, S. C. Lincoln, Lemuel R. Morse, William H. Tucker, John L. Tyler John H. Tower, Thomas B. Stoddard, Thomas W. Tower, Norman Eastman, William F. Tesheme, J. W. Polleys, P. W. Gates, E. D. Campbell, C. T. Rodolf, together with such other persons as may be come associated with them and as have subscribed to the capital stock of the corporation in the manner hereinafter prescribed, and their successors and assigns, are hereby created a body corporate by the name of the La Crosse, Viroqua and Muscoda Railrood Company, and by that name shall be and they are hereby made capable in law to purchase, hold and enjoy and to retain to themselves and their successors, land, tenements and hereditaments, as far as may be

CHAPTER 161. necessary for the purposes of said railroad, and the same to sell, grant and convey rent, or in any manner to dispose of by sale or otherwise, to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended; and also to make and use a common seal, and the same to alter, break or renew at their pleasure. And if either of the persons named in this section shall die, or neglect or refuse to exercise the powers and discharge the duties hereby created and enjoined, it shall be the duty of the remaining persons hereinbefore named, or a majority of them, to perform the duties required by this act.

Powers, &c. § 2. Said corporation is hereby empowered to cause such examination or surveys to be made as shall be necessary to ascertain the most advantageous route to construct a railroad, and shall cause an estimate to be made of the probable cost thereof for each mile. And the corporation shall be and is hereby invested with the right to construct a railroad with one or more ralways or tracks from some feasible point on section (7) seven, town (15) fifteen, range (7) seven west, La Crosse City, in La Crosse county, via Viroqua or some point near Viroqua in Bad Ax county, to Muscoda in Grant county, or Arena in Iowa county, or some point between said Muscoda and Arena on the line of the Milwaukee and Mississippi Railroad, following the most convenient route from La Crosse southerly and southeasterly to a point above designated on the line of the said Milwaukee and Mississippi Railroad. And the said company may build, construct and operate boats for the conveyance of passengers and freight to and from the western terminus of said road, across the Mississippi river after ten miles of the western portion of said road shall have been completed and be in actual operation.

Capital stock. § 3. The capital stock of said company shall be five hundred thousand dollars, with power to increase the same to an amount that may be necessary to build said road, and shall be divided into shares of one hundred dollars each, and five dollars on each share subscribed shall be paid at the time of subscribing for the same, unless the company shall otherwise provide by their rules and by-laws.

Subscription books. § 4. The persons named in the first section of this act, or a majority of them, are hereby authorized to

open books for receiving subscriptions to the capital stock of said company, and may prescribe the form of such subscriptions, which book shall be open within eighteen months from the passage of this act, at such place or places as they may deem expedient, by giving sixty days' notice in at least three newspapers printed in the State of Wisconsin, and such others as may be thought advisable, of the time and place or places of opening said books.

Meeting of stockholders to elect Directors.

§ 5. As soon as the said stock or the sum of fifteen thousand dollars thereof, shall have been subscribed, the above named persons or a majority of them shall give like notices of the time and place for the meeting of the stockholders to choose directors at some time at least thirty days thereafter and at some place within the counties of Bad Ax, Grant, La Crosse, Iowa, or Richland, and if at such time and place the holders of one half or more or said stock shall attend in person or by proxy, they may proceed to choose from the stockholders, by ballot, directors, the owners of each share so represented to be entitled to one vote. And at such elections the persons named in the first section of this act, or those authorized to fill vacancies, or any three of them, if no more be present, shall be the inspectors of such election, and shall certify in writing signed by them or a majority of them, what persons are elected directors, and if two or more persons have an equal number of votes, such directors or inspectors shall determine by lot which of them shall be directors to complete the number of seven directors, which number is hereby required, and shall certify the same in the manner hereinbefore prescribed. And such inspectors shall appoint the time and place of holding the first meeting of directors, of which meeting four shall constitute a quorum for the transaction of all business of the said company. And thereafter a new election of directors shall be made annually at such time and place as said directors or their successors shall appoint, which time shall be during the same month in each year as that in which the said first directors shall be chosen, and which time and place shall be fixed by the by-laws of the said company; and the said directors or so many of them as may be selected by the said board, shall act as the inspectors of such elections; and on the day of holding such elections, or as soon thereafter as may be the said directors shall choose one of their own number

Meeting of Directors.

CHAPTER 161.

President and Secretary.

to be president, and may also choose a secretary of said company, and such other officers as they may in their by-laws designate as necessary. The number of the board of directors of said company may at any time be increased from seven to any number not exceeding fifteen by order of the board first established, a majority of which shall constitute a quorum for the transaction of the business of the said company; and the election of the same shall be made and conducted in the manner hereinbefore provided.

Payment on subscription to capital stock.

§ 6. The directors may require payment on subscriptions to the capital stock of said rail road company at such time and in such proportions, and under and upon such conditions as they may think proper, under a forfeiture of all previous payments thereon, or otherwise: *Provided*, They shall never require payment to be made at a rate exceeding fifteen *per cent.* on the stock subscribed, at any one time; and such directors shall, at least thirty days previous to the appointed time of such payment, give notice thereof in the same manner provided in the fourth section of this act for giving notice of the opening of the books of subscription for the stock of said company.

Rules, regulations, &c., of Company.

§ 7. The directors of the said company shall have power to make, from time to time, all needful rules, regulations and by-laws touching the business of said company, and to determine the number of tracks and railways on said road, and the width thereof, and the description of carriages which may be used thereon: Also, the said company shall have power to transport, take and carry property and persons by the power and force of steam or animals, or any mechanical or other power, or any combination of them: Also to regulate the time and manner in which passengers and goods shall be trasported thereon: The manner of collecting toll or freight for such trasportation, and to fix penalties for the breach of any such rules, regulations or by-laws, and to direct the mode and condition of transferring the stock of said company; and the penalties provided for by the said by-laws may be sued for by any person authorized by said company to sue for the same in the name of said company, and recovered in a civil action before any court of competent jurisdiction. And the said company may erect and maintain depots, freight and toll houses, and such other buildings and fixtures for the accommodation of said road as they may deem

in any way necessary for their interest or convenience. CHAPTER 161.

§ 8. Said company shall have the right to enter upon any lands to survey and lay down said road, not exceeding one hundred feet in width, and shall have the right also to enter upon and take and use any land or lands necessary for the construction of depots and buildings at such points along the line of said road and at each *terminus* of the same, as the company shall think proper to construct, and to take any stone or gravel necessary for the construction of the said road; and whenever any lands or material shall be taken for the construction of said road, and the same shall not be given or granted by the owner or owners thereof to the said company as necessary and for the purpose of the construction of said road, and the parties cannot agree upon the compensation to be paid therefor, then the owner or owners of such land and materials may choose and select and arbitrator and the said company shall also select an arbitrator, and the two thus selected may choose a third person, and the three persons thus selected, or otherwise selected by the agreement in writing of the parties, shall be sworn and paid as arbitrators in all other cases, to decide the matters in difference between the parties, and make and render copies of their award in writing to each of the said parties within ten days from the time of making the said award; and in all cases where the owner or owners of such land or material are minors, insane persons or married women, the guardian or guardians of such minor or minors and insane persons and the husband of such married woman may select an arbitrator as hereinbefore provided for such minor or minors or insane person or married woman as aforesaid, and in all cases of arbitration and award, as provided in this section, either party may appeal to the circuit court for the county in which the said lands or material may have been situated, within thirty days after notice of the said award to the parties in writing, and appeals in all such cases shall, when taken, be, in all respects, proceeded with in the same manner as appeals in other cases to said court; and the party appealing shall cause a copy of the said award to be filed with the clerk of said court, who shall enter said cause on the docket, setting down the claimant or claimants as plaintiffs, and said company as defendants. And when the value of such land or materials, or compensation to be paid, shall be ascertained by the said court on such

Right to take lands for road.

Arbitration.

Appeals.

CHAPTER 161. appeal, according to the usual practice of such court upon issues of law or fact therein, a judgment shall be entered by said court in favor of the party in whose favor such issue shall be found: *Provided*, That if the claimant appeal, and the sum awarded by the said court or jury therein shall be no greater than the amount awarded by the said arbitrators, or in case the said company appeal and the amount awarded by the court or a jury therein shall be less than the amount awarded by the said arbitrators, the court may give costs against the said claimant, and in all other cases the costs shall be awarded against said company. And when the amount of such award of said arbitrators, or the said judgment, shall be paid or tendered by said company to such claimant or claimants, said company shall have the same right to retain, hold and possess said lands and materials as fully and as absolutely as if the same had been conveyed to said company, so long as the same shall be used for the purposes of such road.

Proviso.

Construction of road.

§ 9. Said company may construct the said rail road across any public or private road, highway, improved field, stream of water or water course if the same shall be necessary, but the said company shall restore such road, highway or stream to its former course or state, or leave it in such condition as will least impare the usefulness of the same to the owner thereof or to the public.

Tolls and freight.

§ 10. On the completion of the said road, or any portion of the track not less than ten miles in length, it shall and may be lawful for said company to demand and receive such sum of money for passage and freight of persons and property as they shall from time to time shall think reasonable: *Provided*, That the legislature shall have the right to alter or reduce such tolls or freight, not, however, so that the profits of said compay shall be less than twelve *per cent.* upon the capital stock invested; and the said company shall annually report to the legislature the expenditures of said company, the amount of tolls received, and the amount of capital stock invested, which report shall be sworn to by the president of said company.

Power to borrow money.

§ 11. The said company shall have full power and authority, at any time after the same is organized, to borrow money to aid in the construction of the said road, and to mortgage or otherwise pledge the said road and property, real and personal, of the said company

as a security for the payment of the money so borrowed: *Provided*, Two-thirds of the stockholders in said company shall agree to the same.

Dividends.

§ 12. As soon as the amount of tolls and freight received for the use of said road or part thereof according to the provisions of this act, shall exceed five *per centum* upon the amount of the capital stock paid in, after deducting therefrom the expenses and liabilities of said company, the directors shall make a dividend of such net profits among the stockholders, in proportion to their respective shares, and no accumulated fund exceeding one *per cent.* of the profits shall remain undivided for more than six months.

Wilful obstructions.

§ 13. If any person or persons shall wilfully obstruct or in any manner injure or destroy said road, or any thing belonging or incident thereto, or any materials to be used in the construction thereof, or any building, fixture or carriage erected or constructed for the use or conveyance (convenience) thereof, such persons shall each be liable for every such act, in treble the damages sustained thereby, to be recovered in any court having jurisdiction of the amount thereof, and shall also be liable to be punished therefor by such fine or imprisonment, or both, or otherwise, as may be provided by any existing law of this State applicable to such an offence.

Proper wagon ways to be constructed.

§ 14. Whenever it shall become necessary in the location or construction of said road to pass through the land of any individual, it shall be the duty of said company to provide for said person proper wagon-ways, and in case the said company shall refuse or neglect to provide such wagon-ways, said company shall be liable to such person in double the amount of damages sustaind by such neglect.

§ 15. The company created by this act shall be subject to all such provisions of general laws as may be passed or are now existing for the regulation of rail roads in this State.

Organization of Company.

§ 16. The first meeting of the persons named in the first section of this act, shall be held in the city of La Crosse, in LaCrosse county, at such time as may be fixed by a majority of said corporation, and they may organize by choosing a chairman, secretary, and such other necessary officers as they may determine, and they may adjourn from time to time and to such places as the interests of the company may require, and a majority of such persons being present at any meeting

CHAPTER 162. so held, shall constitute a quorum for the transaction of any business authorized by this act.

Cattle guards, fences, &c.

§ 17. Said company shall fence said road, and all portions of the same, as fast as the same shall be ready for use and actually in use, and shall erect cattle guards wherever the same are necessary.

§ 18. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended, and copies thereof, printed by authority of the State, shall be received in evidence thereof in all courts and cases, and this act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 162.

AN ACT to establish a Code of Procedure for the Police Court of the City of La Crosse.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Actions commenced by city

SECTION 1. The City of La Crosse in its corporate name may sue for and recover any and all fines, penalties and forfeitures under the charter of the city of La Crosse, approved March 14, 1856, and the acts amendatory thereof; or under the ordinances, by-laws or police or health regulations made in pursuance thereof, and such action shall be commenced by complaint substantially in the following form:

Form of complaint.

STATE OF WISCONSIN, }
City and County of La Crosse, } ss.

——————————being duly sworn complains on oath to the Police Justice of the City of La Crosse that he this complainant knows (or that he this complainant, has good reason to believe as the case may be) that ——————— did on the —— day of ———, 18——, within the limits of the city of La Crosse, and county aforesaid, violate the —— section of an ordinance, (or by-law, or resolution, as the case may be) entitled as follows, to wit: ——————— which said ordinance (or by-law or resolution as the case may be) has been duly passed, signed and published, in and for the city of La Crosse, and which section was then in force

as the complainant verily believes and prays that the said ——————— may be arrested and held to answer to the said city of La Crosse, therefor.

———————.

Subscribed and sworn to before me, this ——— day of ———, 18——.

It shall be sufficient to give the number of the section or sections and the title of the ordinances, by-laws or resolution violated in such complaint and such complaint may be sworn to before any officer authorized to adminisiter oaths in this State.

Upon the filing of such complaint in the office of the Police Justice, he shall issue a warrant thereon substantially as follows, to wit:

Form of warrant.

STATE OF WISCONSIN, }
City and County of La Crosse, }

To the sheriff or any constable of said county or to the marshal of the city of La Crosse.

Whereas, ——————— has on the —— day of ———, 18——, complained to me, in writing on oath that, (setting forth the substance of the complaint) therefore in the name of the State of Wisconsin, you are hereby commanded to arrest the body of the said ———, and him forthwith bring before me, Police Justice of said city to answer to the said city of La Crosse, on the complaint aforesaid.

Given under my hand, at the city of La Crosse, this —— day of ———, 18——.

———————, Police Justice.

Upon the return of the warrant the court may proceed summarily with the case unless it be continued by consent or for cause, or by the order of the court.

If the cause be adjourned, the defendant if required by the court so to do, shall recognize with sufficient surety, for his appearance, in such sum as the court shall direct or in default thereof may be put in charge of the officer who made the arrest, or be committed to the common jail of La Crosse county.

The complaint made as aforesaid shall stand in lieu of a declaration and the plea of not guilty shall put at issue all the subject matter of the complaint.

Evidence of passage of laws

§ 2. A printed copy of an ordinance, by-law or resolution passed by the Common Council and published

CHAPTER 162. in a newspaper, or in pamphlet or book form, shall be primia facia evidence of its due passage, signature and publication and may be received in evidence.

Trial by jury. In all the aforesaid cases the defendant shall be entitled to a trial by jury according to the provisions of the revised statutes of this State; *Provided*, however, Thas if no jury be demanded by the defendant after issue joined and before trial it shall be deemed a waiver of a jury trial, and *Provided*, further, That if the defendant shall not demand a jury, the city may demand a jury.

Payment of fees in advance. § 3. Witnesses and jurors shall attend before the Police Court in all the aforesaid cases without the payment of fees in advance, or a tender thereof, upon the process of the court duly served and in default thereof, their attendance may be enforced by attachment.

Disagreement of jury. In case the jury after being kept a reasonable time shall disagree they shall be discharged without the payment of fees, and thereupon the Court may adjourn the cause to a day certain and issue a new venire as aforesaid

Finding of the court. § 4. In all the aforesaid cases the finding of the court or jury shall be either guilty or not guilty, if guilty the court shall render judgment thereon against the defendant, for the fine, penalty or forfeiture, contained in the ordinance, by-law, or resolution, for the violation of which the person or persons shall have been found guilty and for the costs of suit. Upon conviction and nonpayment of such judgment the court may forthwith issue an execution and shall determine and enter upon the docket the length of time the defendant shall be imprisoned, which in no case shall exceed three months, and also insert such time in commitment or execution, such execution may be in the following form:

Form of execution. STATE OF WISCONSIN, } ss.
CITY AND COUNTY OF LA CROSSE. }

To the sheriff or any constable of the county of La Crosse, the city marshal of said city and the keeper of the common jail of said county:

Whereas the city of La Crosse, on the ——— day of ———, 18——, recorded a judgment before the police court of said city, against ——— ———, for the sum of ——— dollars, together with ——— dollars, costs of suit, for the violation of (here insert the number of section and the title of the ordinance as set

forth in the complaint) there are therefore, in the name of the State of Wisconsin, to command you to levy distress on the goods and chattles of the said ———— (excepting such as the law exempts), and make sale thereof, according to law, in such cases made and provided, to the amount of said sums, together with your fees and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattles whereon to levy, take the body of the said ———— and him convey and deliver to the keeper of the common jail of La Crosse county, and the said keeper is hereby commanded in the name of the State of Wisconsin to receive and keep in custody in the said jail the said ———— for the term of ———— unless said judgment, together with all the costs and jail fees, are sooner paid, or he be discharged by due course of law.

Given under my hand, at the city of La Crosse, this ——— day of ———, 18——.

———— ————,
Police Justice.

Form of commitment.

The form of commitment may be substantially the same as that of the execution, leaving out all that relates to levy and sale and return of the writs.

Appeals.

§ 5. The defendant may appeal in the same manner as provided in cases of an appeal from judgments in courts of justices of the peace in criminal proceedings of this State.

Fees, &c.

§ 6. The fees in police justice's court, the jail fees and officers' fees, for commitment, in all the aforesaid cases, shall be audited and allowed by the common council, when the same cannot be collected of the defendant before his discharge, and said common council may, by resolution, direct the police justice to discharge from the jail any person confined for a judgment due said city; but such discharge shall not operate as a release of the judgment, unless said common council shall so direct, in their resolution. Upon filing a certified copy of such resolution, attested by the clerk of the common council, the police justice shall order said defendant discharged from custody, and make an entry of such discharge upon his docket; an execution may issue or be renewed by endorsement from time to time and after the return day thereof, and before or after the commitment of the defendants, until the judgment is satisfied or released, but after the

CHAPTER 163. defendants shall have been committed, no execution shall be issued against the body of the defendant, nor if previously issued shall authorize the taking of the body of the defendant thereon.

Powers and authority of justices of the Peace

§ 7. The police justice shall have and possess all the authority, powers and rights of a justice of the peace in civil proceedings, and shall have sole and exclusive jurisdiction to hear complaints and conduct all examinations and trials in criminal cases within the city, and shall have exclusive jurisdiction in all cases, to which the city shall be a party, and shall have the same power and authority in cases of contempt, as a court of record; *Provided*, That nothing herein contained shall be deemed to divest the judges of the circuit and county courts of their authority as conservators of the public peace, nor to effect in any manner the powers of jurisdiction of the circuit or county courts of La Crosse county.

Repealed.

§ 8. This act shall take effect and be in force from and after its passage, and all acts or parts of acts contravening any of the provisions of this act are hereby repealed.

Approved March 17, 1859.

CHAPTER 163.

AN ACT to amend an act, entitled "an act to reduce the law incorporating the city of Janesville, and the several acts amendatory thereof into one act, and amend the same," approved March 25, 1858.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. The charter of the city of Janesville, in the county of Rock, is hereby amended, so that each and every member of the board of school commissioners and each constable in and for said city shall hereafter be elected at the annual charter election, by the votes of the electors in the several wards of said city, and there shall hereafter be annually elected from each ward in said city, one school commissioner and one constable, who shall respectively be residents of the ward for which they shall be elected.

Canvass and return of votes.

§ 2. The votes for the officers hereinbefore named shall be received, canvassed and returned in the same

manner as is now provided by law for the receiving, canvassing and returning of the votes for other officers of said city.

§ 3. All provisions of law relating to said offices shall be and remain in full force, except as hereinbefore provided.

§ 4. This act shall take effect from and after its passage.

Approved March 17, 1859.

CHAPTER 164.

AN ACT to provide for the appointment of Superintendent of Public Schools in the city of Kenosha.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That from and after the expiration of the present term for which the superintendent of public schools of the city of Kenosha was elected, such office shall be filled by appointment by the board of school commissioners of said city, and the powers and duties and the tenure of office of said superintendent shall be the same as now provided by law. Superintend'nt of schools.

§ 2. All acts and parts of acts amendatory to the charter of the city of Kenosha, contravening the provisions of this act, are hereby repealed. Repealed.

§ 3. This act shall be in force and take effect from and after its passage.

Approved March 17, 1859.

CHAPTER 165.

AN ACT to lay out a State road from Packwaukee to Richford.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. W. W. Hanks, John H. White and George Berry are hereby appointed commissioners to lay out and establish a state road, commencing on the Commission to lay out a State road.

CHAPTER 166. farm of Talcot More, in the town of Packwaukee, thence north, through the town of Harris and Newton, to the county line of Marquette connty, thence north, to the village of Richford, in Waushara county.

Compensation, &c. § 2. The said commissioners, or a majority of them, may meet at such place as they may designate and proceed to view, lay out and establish said road; and they shall receive, on the completion of their said labors, a reasonable compensation therefor, to be paid by the several counties in which said road shall be located, and by each county, in proportion to the length of the road which shall be located in said county; *Provided*, That no part of the expense of laying out said road shall be paid by the state.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 166.

AN ACT to amend chapter 123 of the private and local laws of 1854, entitled "an act to authorize John C. Lewis and his associates to construct a canal from Wolf River to a point on Lake Poygan.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Amendment. SECTION. 1. Section one of chapter 123 of the private and local laws of 1854, is hereby amended, so as to allow John C. Lewis, his associates and assigns, to commence, within two years from the first day of May, 1859, the construction of a canal from Wolf River to a point on Lake Poygan, and complete the same within four years from the first day of May, 1859.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 167.

AN ACT to authorise the Supervisors of the town of Burke, Dane County, to lay out a road three rods wide.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the town of Burke, county of Dane, is authorized and empowered to lay out a road three rods wide, or any part thereof, as follows: Said road, commencing at the Sun Prairie and Madison road, at or near the line between sections twelve and thirteen, in said town, thence west, on or near the line between sections eleven and fourteen and fifteen, nine and sixteen, to the quarter-post, between eight and seventeen, intersecting the road from Rasdell & Loomis' mill, to Madison. Power to lay out road.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 168.

AN ACT to authorise the laying out of a State from East Platte Mounds to Jenkins' Mills, in La Fayette County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Seth Smith, Samuel Mills and Walter E. Jones be, and are hereby appointed commissioners to lay out and establish a state road, commencing near the East Platte Mounds, in the town of Belmont, in the county of La Fayette, at the point where the main road from Mineral Point to Platteville intersects the line between sections two (2) and three (3), in town (3) north, of range one (1) east, thence south, between sections two and three, ten and eleven, fourteen and fifteen, twenty-two and twenty-three, twenty-six and twenty-seven, and thirty-four and thirty-five, thence as nearly south as practicable, to Jenkins' Mills, in said county of La Fayette; *Provided*, That no expense for laying out such road shall be chargable to or paid by the State of Wisconsin. Commission to lay out a State road.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 169.

AN ACT requiring the owners of dams on Big Platte River to construct sluices for the free passage of fish.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sluices for passage of fish.

SECTION 1. The owner or owners of all mill dams now erected, or that may hereafter be erected, on Big Platte river shall cause suitable sluices to be made and maintained therein for the free passage of fish.

Fine for offending against the provisions of this act.

§ 2. Any person or persons offending against the provisions of this act, shall be subject to a fine of one dollar for each and every day that he or they shall neglect or refuse to construct such sluice, after complaint thereof being made to any justice of the peace in the town where the same may be.

Jurisdiction.

§ 3. Justices of the peace shall have jurisdiction on complaint made on oath, to hear, try and determine all cases arising under this act.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 170.

AN ACT to provide for laying out a State road from a town in Monroe county, to the village of Orange in Juneau county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission to lay out a State road.

SECTION 1. L. R. George, Andrew Scott and J. W. Bires are hereby appointed commissioners to lay out and establish a state road commencing at the west line of section seven (7), in town sixteen (16), north of range No. two (2) east, in Monroe county, thence on the most practicable route, to the north-west corner of section eight (8) in the same town, thence through a gap in section five (5), thence on the most practicable route to the line between towns sixteen and seventeen east, thence east, on said line to near the south-east corner of section thirty-three, in town seventeen (17) north, of range two (2) east, thence on the most practicable route to the village of Orange, in Juneau county.

§ 2. On said commissioners filing a report of their doings by virtue hereof, with a copy of the filed notes of the survey of said road with the clerks of the county boards of supervisors of the counties through which said road shall pass, said road shall become a public highway. *Provided*, The State shall be at no expense for the same. Public highway.

§ 3. This act shall be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 171.

AN ACT to enable the corporation of the village of Sparta to construct side walks, and otherwise improve the streets of said village.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever two-thirds of all the resident owners of real estate bounding on one or both sides of any street or part of street not less than twenty rods in length, in said village, shall desire to have such street graded, paved or otherwise improved, and shall make and sign an application therefor, in writing to the board of trustees of said village, the said trustees may thereupon establish the grade, if necessary, and order such improvements as are asked for in said application, and direct the surveyor, or any other competent officer of the corporation, to estimate the necessary expense thereof, and the amouut properly chargable to each lot bounded on said street. Improvement of streets.

§ 2. When the amount so chargable to each lot shall be ascertaind, it shall be expended in making, in front thereof, the improvement so ordered, each lot being required to pay the entire expense of improvements made in front thereof, to the center of said street or streets, and no more. The expense of constructing all cross-walks on said streets shall also be equally assessed upon all the lots embraced or included in said application. Ib.—expense.

§ 3. The owners of lots bounding on streets as aforesaid, may, after said improvements are established and ordered by the board of trustees of said village, and the expense assessed, proceed to make said improve- Owners may make their own improvements.

CHAPTER 172.

ments under the direction of the street commissioner of said village, after giving notice thereof to said commissioner of his intention to make said improvements.

Neglect or refusal to make improvements.

§ 4. If the owner or agent of any lot effected by this act shall neglect or refuse to make the improvements ordered by the trustees of said village, according to the provisions of this act, within the time specified by said trustees or street commissioner of said village, the trustees aforesaid shall cause said improvements to be made, and all the cost and expense thereof shall be charged upon the assessment roll against the lot or lots on said street or streets, and the owner or owners thereof so previously assessed, and shall be collected as a part of the original assessment.

§ 5. This act shall take effect from and after its passage.

Approved March 17, 1859.

CHAPTER 172.

AN ACT to amend an act entitled "an act to incorporate the city of Milwaukee, and the several acts amendatory thereof," approved February 20th, 1852, and to provide for a change in the election of Street Commissioners, the improvement and repair of streets, and the assessment of real and personal property in the city of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment—duty of Treasurer.

SECTION 1. The sixth section of chapter three of an act entitled "an act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof," approved February 20th, 1852, is hereby amended so as to read as follows: The treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of same in suitable books to be provided for that purpose. He shall also, on the first Monday of each month, make a report to the common council, in detail, of the receipts and disbursements in his office for the month preceeding, in which report shall be set forth specifically the particular sums in warrants, or orders drawn on the treasury, or in money received from each and every person, giving the name of such person, on account of the payment of any general, city, ward or school taxes, or for any other purpose whatever; and also all payments or disburse-

ments made, and to whom and for what purpose. Such reports, when made, shall be published with the proceedings of the common council, or in such other form as may be directed.

Present Treasurer's duty.

§ 2. The treasurer now in office shall make an exhibit, and report the same to the common council on or before the first Monday in May next, of the state of the several funds for each year since the organization of the city government, including therein the amount of tax certificates, for each year, belonging to the city, on hand at the date of such report, and thereafter during his term of office, said treasurer shall report the monthly receipts and disbursements in his said office, as provided in the first section of this act.

Monthly report of receipts, &c.

§ 3. On the first Monday in April in the year eighteen hundred and sixty, and on the first Monday in April each year thereafter, the treasurer shall file in the office of the city comptroller, a statement showing the monthly receipts and disbursements of the preceding year, on account of the general city and ward funds, such statement to embrace the gross amounts of receipts and disbursements set forth in the monthly reports hereinbefore provided for.

Street commissioner.

§ 4. The councellors of the several wards shall be street commissioners in and for their respective wards. If at any time the street commissioners of any ward shall not agree in any matter pertaining to their duties, they shall call upon the alderman of their ward as an umpire, and shall proceed according to the decision made. They shall act jointly, and every act or order shall be signed by them jointly, before it shall be obligatory upon any inhabitant, or any property within the city. It shall be their duty to inspect each piece of work as it progresses, and when completed to give joint certificates, with the surveyor, of their approval of the same. They shall have and exercise, within their respective wards, all the powers possessed by the present board of street commissioners, and shall make reports and file the same in the office of the city comptroller, as now provided by law.

Ib.—repair of streets, &c.

§ 5. It shall not be lawful for the street commissioners of any ward to order any work to be done on streets or sidewalks, other than ordinary repairs and the construction of cross walks, unless a petition is first presented to the common council signed by persons owning a majority of the lots in a block or blocks, or pieces

CHAPTER 172. or parcels of land fronting on a street, each petitioner stating therein the lot or lots, or pieces of land owned by him, for grading, paving, planking, or gravelling the street opposite said block or pieces of land, or for grading, planking, graveling or paving the sidewalk, or making or paving gutters on their side of the street; or a petition so signed by persons owning a majority of the lots in a block through which there is an alley, for grading or paving said alley: *Provided*, That work may be ordered by the street commissioners, where a block is owned in part by non-residents of the city, on the petition of a majority of the owners of a block, residing in the city, presented as aforesaid, or withiout a petition where a block fronting on a street or a block through which there is an alley, is owned by persons not residing in the ward.

Grievances, &c. § 6. Any person deeming himself agrieved by an act of the street commissioners, may, at any time within twenty days from the publication of the order, appeal to the ccommon council, who shall inquire into and correct or prohibit the act or order complained of, as shall seem just and proper. The said commissioners shall at all times be subject to the control and direction of the common council.

Liability of city fos damages. § 7. The city of Milwaukee shall not be held liable for damages or injury to any person or property incurred or happening at any place in said city where work or improvements on streets or sidewalks is being done under contract, or while said work is under contract; but all such damage may be collected of the contractors, where they fail to keep up sufficint fences or protection guards to prevent damage or injury to persons or property.

Election of Ward Assessors, salaries, &c. § 8. The qualified votes in each ward of the city at the next election, and thereafter at each annual election, shall elect one assessor, and the Mayor shall annually appoint, subject to the confirmation of the common council in joint convention, one city assessor. The salaries to be paid to such assessors shall be fixed and determined before they enter upon the discharge of their duties, and shall not be raised or reduced during the year. The ward assessors shall make, in the manner directed by the *laws* of this State, a true valnation of each and every lot or part of a lot, or piece or tract of land with the buildings thereon, within their respective wards, and also an assessment of all persons and

corporations within their respective wards taxable for personal property, and return such list to the city assessor.

City Assessors, tax list, &c.

§ 9. On the receipt of such lists from all the wards, the city assessors shall give ten days notice in the official papers, that on a certain day therein named for each ward, the assessment list for said ward will be open for the examination of the taxable inhabitants thereof, and the city and ward assessor shall make all necessary additions to such list, and correct the same by changes in valuation or description, so as to make the list as perfect as possible. After the corrections are made the city assessor shall submit the same to the board of review.

Board of Review—powers and duties of.

§ 10. The mayor, city comptroller, treasurer, city attorney, and the city and ward assessors shall constitute a board of review. Such board shall meet at such place as may be designated, for the purpose of hearing objections of parties or persons deeming themselves aggrieved by said assessments. Notice of such meeting shall be published for ten days in the official papers, and shall be signed by the mayor; and said board shall take the several wards in the city in rotation, commencing with the first ward, in there examination of the lists, and after hearing the parties, may make such alterations as justice and equity may require. They may supply omissions and equalize said lists as to the wards, or any part or portion thereof.

Confirmation and levy of tax

§ 11. After the lists have been examined, corrected, and adopted by the board of review, it shall be the duty of the city assessor to make out a complete assessment roll of the several wards in the city, and submit the same to the common council for approval and confirmation. The common council shall thereupon, by joint resolution, levy a sum or sums of money, or tax, for general city, ward, and school purposes, not exceeding the amount authorized by law, specifying the purposes for which the same are levied.

Errors, &c., in tax roll.

§ 12. After the tax roll is placed in the hands of the treasurer for collection, the common council shall not remit the whole or any portion of a tax levied on real or personal property, unless it manifestly appears that a clerical error exists in the description of the property, in the extension of the tax, or that improvements are assessed on lots or lands where none had been made at the time the assessors are require to return the lists to the city assessor.

CHAPTER 173.

Lands exempt from city and ward taxes.

§ 13. So much of the several tracts of land or territory annexed to the city of Milwaukee by an act of the legislature, approved February 26th, 1857, to wit: the east half of section thirteen (13), twenty-four (24), twenty-five (25), and thirty-six (36) in township seven (7), range twenty-one (21); the east half of section one (1), township six (6), range twenty-one (21); the south half of section four (4), five (5), and six (6) in township six (6) range twenty-two (22), as shall be occupied for farming purposes; also so much of the north half of section fifteen (15), sixteen (16), seventeen (17) and eighteen (18) in town seven (7), range twenty-two (22), as shall be occupied for farming purposes, shall be exempt from all city or ward taxes, except school taxes and a ward tax not exceeding one half of the tax levied in the same year for ward purposes on other real estate, in the several wards in which said territory or tracts of land are situated.

Repealed.

§ 14. So much of all acts and parts of acts which in any manner contravene or conflict with the provisions of this act, are hereby repealed.

§ 15. This act shall take effect from and after the first day of April, in the year one thousand eight hundred and fifty-nine.

Approved March 17, 1859.

CHAPTER 173.

AN ACT to define, confirm and legalize the acts of a Fish Inspector of the City of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Inspection of fish.

SECTION 1. That from and after the passage of this act, no fresh water fish shall be sold or received for sale or on consignment, in or at the city of Milwaukee, without being first duly inspected by the legal inspector of and for said city, appointed by virtue of this act, as hereinafter mentioned.

Ib.—fees, &c.

§ 2. It shall be the duty of every person or persons bringing or caused to be brought to the city of Milwaukee, for the purpose of sale, any fresh water fish, to have the same duly inspected by the legal inspector of said city, before such fish shall be sold or in any way

disposed of; and it shall be the duty of every person or persons receiving such fish, by consignment, for and on account of any other party, to have such fish daily inspected by the fish inspector of said city, before delivering them to the owner or his agent or other person; and such consignee shall pay the fees of inspection, and shall have a lien upon such fish in his possession for the fees so advanced by him; and it shall be the duty of every person having such fish in his possession, for the purpose of selling or of dealing in the same, and of every consignee having fish on consignment, before the said fish shall be sold or in anywise disposed of, to give notice to the inspector, and have such fish duly inspected and branded; and for this purpose, such person shall arrange the packages in a convenient manner, and have them in some suitable place.

Duty of Inspector.

§ 3. It shall be the duty of the Fish Inspector, on due application of any person or persons having such fish in possession, to repair to the place of deposit of such fish, if the same shall be within the limits of the city of Milwaukee, and shall inspect the same with as little delay as possible.

Ib.—sealed weights, &c.

§ 4. It is hereby made the duty of the fish inspector to procure sealed weights, and carefully weigh all fish offered for inspection; and to entitle said inspector to grant a certificate of due inspection, or to brand the packages as duly inspected, he shall first find that the contents and weights of the several packages are as follows, viz: Each barrel shall contain 200 lbs; each half barrel shall contain 100 lbs; and each quarter barrel shall contain 50 lbs.; and each eighth barrel shall contain 25 lbs. Such inspector shall, also, on branding any package of fish as inspected, plainly and distinctly mark on the head of each package, in some indellible manner, the kind, quantity and quality of fish contained in each package, respectively, together with his name and the year and month in which the same shall been inspected.

Liability of Inspector.

§ 5. The inspector shall be liable, by suit, in any court having jurisdiction of the cause, for all damages that may accure to any person or persons, or company, by reason of misfeasance or malfeasance in the inspection of any package of fish.

Fees.

§ 6. The inspector shall be entitled to the following fees for the performance of his duties, viz.: For unheading, heading, weighing, re-packing, brining, and

CHAPTER 112. inspecting and branding each barrel, 25 cents; each quarter barrel, 10 cents; each extra hoop, 5 cents; each extra head, 25 cents.

Brands.

§ 7. The inspector shall not put his brand upon any package of fish, as duly inspected, unless the same be well hooped and headed, and in all respects sufficient to retain brine, and also be in good shipping condition.

§ 8. No person holding the office of fish inspector for said city of Milwaukee, nor shall his employees or assistants, or either of them, buy or sell, or deal in, or in anywise be interested, in any fish to be sold or consigned to the city of Milwaukee.

Annual report of Inspector.

§ 9. Every fish inspector, appointed by virtue hereof, shall keep a record of the number of packages and and sizes, and of the kinds and qualities of fish, and for whom inspected by him, each year; and shall make a report of the same to the Common Council, on the first day of January in each year.

Inspector's office.

§ 10. It shall be the duty of the fish inspector to keep an office at a convenient place, on or near the Milwaukee river, which shall be kept open during business hours, and in which the inspector shall at all times have some person, during his absence, to receive orders.

Enforcement of law.

§ 11. It shall be the duty of the inspector of fish to see to the enforcement of this law, and that all violations of the same are prosecuted.

Violations, penalty, &c.

§ 12. Any fish inspector violating, refusing or failing to comply with any of the provisions of this law, so far as they are made incumbent upon him, shall, for every offence, be liable to a fine of not less than five dollars nor more than one hundred dollars; which said fine may be collected in the same way as is provided by the Revised Statutes for the collection of fines in cases of misdemeanors.

Inspector's bond.

§ 13. Every inspector of fish, who shall be appointed in pursuance hereof, shall, before entering upon the discharge of the duties of his said office, give bond, with two good and sufficient sureties, in the penal sum of five thousand dollars, and running to the people of the State of Wisconsin, and conditioned that he will well and faithfully perform the duties of said office and satisfy all damages that may legally be demanded of him by virtue of the provisions hereof.

§ 14. The inspector appointed by virtue hereof shall

have the right to appoint, and the same to remove at pleasure, one or more assistants, who shall have the same right to brand all packages inspected by either of them in the name of the said inspector; but each assistant shall have some distinctive mark, with which he shall designate each package inspected by himself, so as to indicate by whom the inspection was actually made; and the said inspector shall have the right to take bond, with sufficient penalty and security, running to himself, from each of the assistants appointed by himself, and to the same tenor, as the bond herein required to be executed by said inspectors; and the said inspector shall be liable for the acts of his said assistants, and may sue on the bonds of any of them, to recover any damages that he may have suffered, by reason of their misfeasance or malfeasance.

Appointment and removal of assistants.

§ 15. The said inspector shall have the right to sue, in any court having jurisdiction of the action, for his fees for services performed, either by himself or his assistants by virtue hereof.

Right of Inspector to sue in any court.

§ 16. The inspector, to be appointed, as herein provided, shall be appointed by the common council of the city of Milwaukee, as soon as convenient after the election of said body; and he shall hold his office for the term of two years, and until his successor be legally qualified.

Inspector—appointment and term of office.

§ 17. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 174.

AN ACT to amend an act entitled "an act to incorporate the city of La Crosse," approved March 14, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eleven (11) of chapter nine (9) of an act entitled an "an act to incorporate the city of La Crosse" approved March 14, 1856, is hereby amended so as to read as follows: The city shall be entitled to be represented in the county board of supervisors by

Amendment.

CHAPTER 175. one alderman from each ward, as provided by statute in the case of towns, and also by the mayor of said city.

Supervisors. The alderman in each word whose term of office expires with the current year, shall be the representation from that ward, and the mayor, from the city at large. The mayor, or alderman acting as supervisor, shall have the power to substitute any alderman in his ward to act in the county board in his stead.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 175.

AN ACT to amend section one of chapter 361 of the local laws of 1856, entitled an act to vacate a part of the village plat of Mt. Vernon, in Dane county, Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. That section first of chapter 361 of the local laws passed in the year 1856, be and the same is hereby so amended as to read township six (6) north of range seven east, instead of township five (5) north of range seven east, and also to include the west half of the south west quarter of section thirty-four (34) and the west half of the north east quarter of the south-west quarter of said section thirty-four, all in township six north of range seven east.

§ 2. This act shall take effect from and after its passage.

Approved March 17, 1859.

CHAPTER 176.

AN ACT to amend an act entitled an act to incorporate the City of Green Bay, approved February 27th, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 17 of the act to which this act is amendatory, is hereby amended by adding after the word "laws" in the last line of said section, as follows: "as town treasurers, and the fees of said treasurers shall be limited and established as follows: for all sums received by him as such treasurer, on or before the 25th day of of December of each year, he shall receive as his fees one and a half per cent., and two and a half per cent. for all amounts received thereafter, and he shall receive two and a half per cent. on all special taxes collected by him, and in cases of distress and sale by him of goods and chattels for the payment of any tax, he shall be entitiled to collect and receive for the same in addition to such tax, such fees as constables are authorized to receive for levying upon and selling goods under execution. **Amendment.**

§ 2. The mayor and city council of the city of Green Bay are hereby authorized and empowered to issue twenty-five bonds of said city, numbered from one to twenty-five, both inclusive, each of said bonds to be conditioned for the payment of the sum of one thousand dollars to Timothy O. Howe, or bearer, in twelve equal annual installments, from the first day of April, 1859, with interest thereon at the rate of seven per centum per annum, payable annually on all principal sums remaining unpaid, until paid. Said bonds shall only be used in payment of or in exchange for the bonds, and the interest thereon, issued by the president and trustees of the borough of Green Bay in payment of the subscription of said borough to the capital stock of the Green Bay and DePere Plank Road Company: *Provided, however*, That the said bonds shall not be negotiated nor exchanged for less than their par value. **Issue bonds.**

§ 3. It shall be the duty of the mayor and city council of the said city of Green Bay, and they are hereby authorized and empowered, to levy an annual tax sufficient to pay and discharge the interest and such portion of the principal as may annually fall due upon **Annual tax to pay interest and principal on bonds.**

CHAPTER 177.

any portion of the bonds so issued and negotiated, according to the terms and conditions thereof, and the same shall be levied upon all the property in said city liable to taxation for State and county purposes, and shall be carried out in the assessment roll in a separate column, to be headed, "For Plank Road Purposes," and all taxes so assessed shall be payable only in cash, and when collected shall be kept as a separate fund, and shall be applied to the payment of the interest and principal so falling due upon said bonds, and to no other purpose whatever: *Provided, however*, That for the convenience of the holder or holders of any of said bonds, the mayor and city council may anticipate the amount to become due on any of said bonds in any one year, by issuing city orders therefor, which orders shall be drawn payable "out of the plank road fund," and all orders so drawn shall be receivable in payment of all taxes assessed in said city for plank road purposes.

Proviso.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 177.

AN ACT to change the boundaries of a certain School District therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Alteration of boundaries.

SECTION 1. The boundaries of "Union School District Number Eight," in the town of Monroe in the county of Green, are hereby so altered as to include within said district so much of the southeast quarter of the southwest quarter of section number thirty-four in town two north, range seven east, as lies north and west of the highway running through said tract; also sixty-five acres off the south end of the west half of the northwest quarter of section number thirty-six in the same town and range.

§ 2. This act shall take effect from and after its passage.

Approved March 17, 1856.

CHAPTER 178.

AN ACT to authorize the Common Council of the City of Milwaukee to levy a special tax upon the taxable property of the eighth ward of said city.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Increase of taxes for ward purposes.

SECTION 1. The common council of the city of Milwaukee may, at any time of levying other city taxes for the year eighteen hundred and fifty-nine, increase the amount to be raised for ward purposes in and for the eighth ward of the city of Milwaukee. The sum to be raised for the purpose above specified, shall be three (3) thousand dollars, but shall not exceed five mills on the dollar, upon all taxable property in said ward, such tax to be collected at the same time and in the same manner as other city taxes are collected.

How tax to be applied.

§ 2. The said tax shall be used, applied, and appropriated for the sole use and purpose to grade, fence and improve the public square between blocks 18, 24, 25, 31, in Walker's Point addition, eighth ward, city of Milwaukee.

Street Commissioners.

§ 3. Authority is hereby granted to the street commissioners, or the persons who have the control of the work on the streets and public grounds in the eighth ward, to cause the work provided for in this act to be done during the season of 1859, or at any time thereafter.

§ 4. This act shall be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 179.

AN ACT to repeal an act entitled an act to incorporate the Wolf River Bridge Company, approved February the 5th, 1859.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Repealed.

SECTION 1. The act entitled an act to incorporate the Wolf River Bridge Company, approved February the 5th, 1859, is hereby repealed.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 180.

AN ACT to prescribe the duties and powers of the Police Justices in the city of Madison.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Jurisdiction of Police Justice.

SECTION 1. The jurisdiction of the Police Justice of the city of Madison, shall be co-extensive with the county of Dane and shall have exclusive jurisdiction to try all criminal cases and conduct all examinations within said city under the laws in which justices of the peace have jurisdiction and according to this act.

Ibid.

§ 2. The said Police Justice shall have jurisdiction concurrently with the Circuit Court in all cases of larceny where the amount alleged to have been stolen shall not exceed the sum of eighty dollars: *Provided*, That nothing herein contained shall be so construed as to give said justice jurisdiction of offences punishable by imprisonment in the State Prison.

Larceny—punishment, &c.

§ 3. The punishment for such larceny shall be by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding one year, or by both fine and imprisonment in the discretion of the court. The said Police Justice shall have jurisdiction concurrently with the Circuit Court within said county of all offences mentioned in sections 56 and 57 chapter 165 of the revised statutes of the State of Wisconsin, where the value of the timber or wood cut, or the mineral or earth dug or carried away shall not be alleged to exceed the value of one hundred dollars, and in such cases the punishment shall be by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding six months.

Dispute of title to land upon which offence was committed.

§ 4. In all cases arising under the two last mentioned sections, if the defendant shall dispute the title of the land upon which the alleged offence was committed, he shall join with his plea of "not guilty," a statement to the effect and the court shall require him to enter into a recognizance with two sufficient sureties who shall justify in double the amount of penalty in the recognizance for his appearance before the next term of the Circuit Court, and the said justice shall then transmit the papers and all proceedings in the case to the clerk of the Circuit Court in said county, and the cause shall be tried in said Circuit Court upon the original papers filed with said justice.

§ 5. The said Police Justice shall have jurisdiction to hear, try, and determine assaults, batteries and affrays which said trials in such cases shall be conducted according to the provisions of chapter one hundred and twenty-one of the Revised Statutes of Wisconsin. Affrays, assaults, &c.

§ 6. The said Police Justice shall have and possess all the rights, powers and privileges of justices of the peace, and all the laws of this State concerning justices' courts shall apply to the Police Court of the city of Madison, except so far as said laws conflict with the provisions of this act. Police Court.

§ 7. The said Police Justice shall have jurisdiction to hear, try, and determine all offences mentioned in sections one to fourteen, inclusive, of chapter 169 of the Revised Statutes.

§ 8. The said Justice may appoint a clerk who shall have power to administer oaths. The appointment of such clerk shall be in writing, under the hand of said justice, and filed in the clerk's office of the Circuit Court of Dane county. Appointment of Clerk.

§ 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1859.

CHAPTER 181.

AN ACT to provide for a special tax to improve a road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. John Flanegan, Edward Finnegan, and William Playfair, of Manitowoc county, are hereby appointed commissioners, under the direction of whom, as hereinafter provided, the tax provided for in this act shall be expended in improving the road commencing at or near Sherwood's corner, town of Franklin, in said county, on the road running from Two Rivers to Menasha, thence two and three-quarter miles in a northwesterly direction on the old military road, thence north on the town line road between Maple Grove and the the town of Franklin, to the county line between Manitowoc and Brown county. Special tax to improve road.

§ 2. Before entering up the duties required by them of this act, the commissioners mentioned in the pre- Commissioner's bond, &c.

CHAPTER 181. ceding section, shall take and subscribe an oath or affirmation to perform such duties faithfully and impartially, and shall execute a bond to the board of supervisors of such town through which the said road shall pass, in a penal sum of not less than one thousand dollars, and greater than the aggreate amount of tax which they shall levy pursuant to this act within such town, with sufficient sureties, to be approved by the town clerk and filed in his office, and shall be conditioned for the faithful and just expenditure of all money that may come into their hands, or the hand of either of them, by virtue of this act, and the faithful performance of all the duties required of them by this act.

Town Supervisors. § 3. The town supervisors are hereby authorized to oversee said work within their respective towns, to call said commissioners to an account for the money collected within said town, respectively, as often as may be deemed necessary, and the chairman of the boards of each of said towns shall constitute a board, with power to fill vacancies which may, from any cause, occur in said board of commtssioners.

Clerk and Treasurer. § 4. The said commissioners may appoint from their own members, a clerk and treasurer, and on or before the first day of December, 1859, or at such other time as they deem proper, the commissioner's appointed clerk shall, under the direction of the commissioners, make out an assessment roll containing a description of all the lands and lots subject to taxation lying along the line of said road, and not more than one and a half miles from either side of the same, which the said commissioners have good reason to believe will be directly benefited by the improvement of said road, said tax not to exceed twenty mills on the dollar on the assessed valuation of said lands and lots.

Assessment. § 5. The clerk shall set down in said roll the names of the respective owners in said lots or lands, as far as the same can be conveniently ascertained, opposite each description, and upon the completion of said roll by the clerk, the commissioners shall meet at such time and place as they may agree upon, for the purpose of making an assessment of such lands and lots, and they shall assess the same at their cash value, setting down opposite each tract or lot of land so described, the valuation thereof as ascertained by them, and their said clerk shall thereupon calculate and carry out such tax on said roll, opposite each tract or lot therein described.

Road tax.

§ 6. At such time as may be agreed upon by said commissioners, the treasurer, or any of said commissioners, may proceed to collect the taxes in said roll, in the same manner and with like power as town treasurers are authorized by law to collect taxes.

May work out tax at $1 a day.

§ 7. Any person charged with taxes in said roll may work out the same at one dollar per day, under the direction of said commissioners, or either of them, or by furnishing utensils or materials: *Provided*, That all moneys and labor shall be expended within the town where the same is raised.

Delinquent tax list.

§ 8. When a fair opportunity shall have been given to all persons to work out the taxes charged in such roll, the said commissioners shall cause a list of all the delinquent lands or lots in each town in which any of said lands or lots may lie, to be made out, and certify to the same and return it to the clerk of the town where such delinquent lands or lots may be situated, and it shall be, and is hereby made the duty of each town clerk of any such town, on receiving such delinquent list, to file the same in his office, and to enter such unpaid taxes in their respective tax lists which may be next completed after said delinquent list shall have been received, opposite to the proper description of lands or lots, and such unpaid taxes shall then be collected by the town treasurer of such town at the same time and in the same manner as town, county and State taxes are collected.

Sale of lands for non-payment of taxes.

§ 9. It shall be the duty of such town treasurer to pay, on demand, to said commissioners, or any of them, all such delinquent taxes by them collected, taking proper vouchers therefor, and in case any part of said delinquent taxes shall not be collected by said town treasurer, they shall return the same with the delinquent taxes to the county treasurer, who shall collect the same as other taxes are by him collected, and proceed to the sale of lands and lots for non payment as in other cases, and it shall be the duty of the county treasurer and clerk of the board of supervisors, to pay any such taxes which may come into their hands, to said commissioners, or either of them, and said officers are hereby made liable on their official bonds for the said money in the same manner as they are now by-law made liable for other moneys.

Unpaid taxes may be worked out.

§ 10. Any person or persons, under the direction of said commissioners, may work out unpaid taxes on any

CHAPTER 181. of the lands or lots described on the assessment roll made out by the commissioners, at any time after the delinquent list above named shall have been delivered to the town clerks as aforesaid, and take from the commissioners a certificate setting forth the fact, and describing the lands or lots on which the taxes have been so paid, and the holder of said certificate shall be entitled to draw the money from any officer or person who may have custody of the same, at any time when the tax in said lands, or any part of it, shall have been paid by the owner.

Commissioners —their duties, compensation, &c.

§ 11. It shall be the duty of the commissioners to expend the money collected and apply the labor to be done, on said road, (in accordance with the seventh section of this act), in such manner as will improve the same to the best advantage, and they shall proceed with the work without unnecessary delay, and each of the said commissioners shall receive one dollar and fifty cents per day for every day necessarily and actually spent in the discharge of his duties under this act, and the acts of any two of said commissioners shall be valid.

An account of disbursements, &c.

§ 12. The said board of commissioners shall keep an account of all moneys and labor received by them, and name of persons paying or performing the same, and shall keep also a correct statement of all disbursements made by them under the authority of this act, and shall take and preserve vouchers therefor, and shall account for the same as provided in section three of this act; and in case of a failure, on the part of one or more to render such account, he or they may be removed by the same authority which, by the provisions of this act, are empowered to fill vacancies, and their official bond or bonds prosecuted in the name of the parties to whom the same are given.

§ 13. This act shall take effect and be in force on and after its passage.

Approved March 17, 1859.

CHAPTER 182.

AN ACT to amend an act entitled, "an act to incorporate the City of Mineral Point," approved March 2d, 1857, and also an act amendatory thereof, entitled, an act to amend an act entitled, "an act to incorporate the City of Mineral Point," approved March 25th, 1858.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Powers of common council.

SECTION 1. The common council of the City of Mineral Point shall have authority, by ordinances, to restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the destraining, impounding and sale of the same; and also to prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinance. *Provided, always,* That any ordinance passed in pursuance of this section shall, before it takes effect, be submitted to a vote of the legal voters of said City of Mineral Point at a general or special election, and if a majority of the votes cast at such election be returned, "for the ordinance," the ordinance shall thereupon take effect, but if a majority of the votes cast at such election be returned, "against the ordinance," the ordinance shall be null and void, and of no bidding effect whatever. *Provided further,* That such ordinance shall, before said election, be published in some paper printed in the city of Mineral Point, with a notice annexed of the time and place of voting upon the same.

Election of Street Commissioner—his duties, &c.

§ 2. It shall be the duty of the common council, at its first meeting after the annual election, or as soon thereafter as may be, to elect a street commissioner, who shall give bonds to the city of Mineral Point, conditioned for the faithful discharge of his duty, in such amount as the city council shall direct, and who shall have power, and whose duty it shall be to require every resident of the city liable to work on the highways by the laws of this State, to perform one day's labor each year on the streets in the ward in which he resides, and in case any person shall neglect or refuse to perform such labor, at such time and place as such commissioner shall direct, to assess, sue for, and collect of every such person, one dollar in lieu thereof, which shall be expended in improving or repairing the streets of said city, by such commissioner; and the said Commissioner may at any time be removed from office by

the common council of said city, and another commissioner appointed in his stead. *Provided,* That no member of the common council shall be permitted to hold the office or perform any of the duties of the street commissioner.

Annual tax.

§ 3. The common council of said city shall have power to levy an annual tax for general city purposes, the amount to be realized from which shall not exceed eight hundred dollars per annum; and the common council shall have power to levy an annual tax, not exceeding two mills on the dollar of the assessed value of property in said city, for the improvement of streets. So much of section nine of chapter seven of the act to incorporate the city of Mineral point, approved March 2, 1857, as empowers the common council of said city to levy a tax for paupers, and so much of said section as is inconsistent with the provisions of this act, is hereby repealed.

License moneys, paupers, &c.

§ 4. All moneys received by the city of Mineral Point, from the granting of licenses, shall be appropriated for the support of paupers in said city, and for no other purpose or purposes whatsoever; and all licenses shall be paid for in cash or pauper orders.

School tax.

§ 5. The common council of the said city of Mineral Point, shall have the power, and it shall be their duty to raise from time to time by tax upon the real and personal estate in said city, subject to taxation, in addition to the amount of school moneys now or hereafter appropriated or provided by law for common schools in said city, such sum as may be determined and certified by the board of education to be necessary and proper to pay wages of teachers due after the application of the public moneys which may by law be appropriated and provided for that purpose. *Provided however,* That no tax shall be laid for such purpose oftener than once a year. *And provided also,* That the amount to be raised for teachers' wages, for contingent expenses, and for the repairing of school houses and appurtenances, in any one year, shall in no case exceed the amount of public moneys reeeived during the previous year.

Loan for school purposes to be decided by legal voters of city.

§ 6. The common council of said city shall have no power or authority to borrow any sum of money for the purpose of procuring sites and erecting a suitable edifice or edifices, for the uses of the schools thereof, except as hereinafter provided. Whenever a majority of the

common council shall deem it expedient to make a loan for such purpose, the said council may authorize a special election to be held, or a vote of the legal voters of said city to be taken at a general city election, when the voters of said city shall vote "for the loan," or "against the loan," and if a majority of the votes cast at such election be returned "for the loan," the city council shall have power to effect a loan, as provided in section seventeen of chapter eight of the "act to incorporate the city of Mineral Point," approved March 2, 1857. *Provided*, That the common council, before such vote of the legal voters of said city, shall give ten days public notice of the amount proposed to be borrowed, and the time and place of holding the election.

Supervisors.

§ 7. The city of Mineral Point shall be represented in the board of supervisors of the county of Iowa, by the mayor of the city, for the ward in which he resides, and by one alderman from the other ward, who shall be chosen only by the aldermen of the same ward; and it shall be lawful for the mayor and aldermen acting as supervisors, to substitute any other alderman in their stead, should they deem such substitution necessary.

Fines, license moneys, &c.—duty of Treasurer.

§ 8. It shall be the duty of the treasurer of the said city of Mineral Point to collect all fines levied under the charter of said city, and all license moneys due the said city.

Mayor's Court, powers and jurisdiction.

§ 9. There is hereby created and established a municipal court in the said city, to be known and called the mayor's court. The mayor shall be the judge of said court, and have and possess all of the powers of a justice of the peace of the county. The said court shall have jurisdiction throughout the county of all civil causes, of which a justice of the peace by law has jurisdiction, and concurrent jurisdiction of all criminal causes and matters of which a justice of the peace has jurisdiction, where the cause shall originate within the limits of the city, and also exclusive jurisdiction of all causes growing out of the violation of any city ordinance. Appeals may be taken from the judgment of said mayor's court, in the same manner and for the same cause, and in the same cases in which appeals may be taken from the judgments of justices of the peace.

Repealed.

§ 10. The eighth and ninth clauses or paragraphs of section eight (8), of chapter four (4); section three (3), of chapter (6); the fifth clause or paragraph of sec-

tion four (4), of chapter eight (8); section twelve (12), of chapter ten (10), of the "act to incorporate the city of Mineral Point," approved March 2, 1857, and all parts of said acts inconsistent with the provisions of this act, are hereby repealed.

§ 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1859.

CHAPTER 183.

AN ACT to vacate the plat of the village of Comorn, in the county of Fond du Lac.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Village plat vacated.

SECTION 1. The plat of the village of Comorn, in the county of Fond du Lac, is hereby vacated.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 184.

AN ACT authorizing School District No. Ten, in the town of Spring Prairie, in the county of Walworth, to locate site for school house.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Purchase of land for school houses.

SECTION 1. Whenever, agreeable to the laws of this State regulating and fixing the powers and duties of school districts and school district officers, a majority of the legal voters of School District No. Ten, in the town of Spring Prairie, in the county of Walworth, shall designate a site for a school house, the district board shall, as soon as possible, negociate with the owner or owners for the purchase of the land or site so designated. *Provided*, the same be central in the district.

County Judge may appoint Commissioners to appraise land.

§ 2. When the said district board cannot agree with the owner or owners of such lands or site so designated, for the purchase thereof, or as to the compensation, to be paid to the owner or owners of any land taken or designated for the purpose aforesaid, it shall be lawful for the county judge of the county of Walworth, on application of either party, and at the cost of said district, to appoint three disinterested persons residing in county, whose duty it shall be to view and examine, or survey said site so designated, and to estimate the value of the same, and all damages which the owner or owners shall sustain, by reason of the taking of the same for the erection of a school house thereon, and the person so appointed, before entering upon the discharge of such duties, shall take an oath before some justice of the peace, or person competent to administer oaths, faithfully and according to the best of their obilities, to examine the land so taken or required by said district, and impartially to estimate and appraise the value of the same, and the damage or injury which the owner or owners shall sustain by reason of the taking and using thereof by the said district, and shall make a report of such valuation, in writing, under their hands and seals, to said judge, and shall return the same within ten day after their appointment. *Provided*, also, That it shall not be lawful for the said commissioners to proceed in the assessment of the valuation of said lands as aforesaid, unless it shall appear that said owner or owners have had at least one day's notice of such meeting, and of the time and place thereof at which such valuation is to be made. *Provided*, also, That upon the making and filing the report, as aforesaid, and payment or legal tender of the amount of the valuation or appraisal specified therein to the owner or owners of any such lands, his, her, or their legal representatives, the said district board, or the contractors for the erection of a school house thereon, may immediately take and use the same.

Proviso.

When district shall be entitled to land.

§ 3. Whenever the report of the said commissioners, as hereinbefore provided, shall have been filed with the county judge, and the amonnt specified in said report, shall have been paid or tendered to the owner or owners of such lands, his, her, or their legal representatives, the said district shall be entitled to the estate and interest in the same as fully as if it had been conveyed in fee simple, and if such valuation be not

received when tendered, it may at any time thereafter be received, or may be collected from said district by action at law, at the cost and expense of the person or persons entitled to the same.

§ 4. This act shall take effect and be in force from and after its passage.

Approved, March 17, 1859.

CHAPTER 185.

AN ACT to repeal chapter 187 of the private and local laws of 1858, entitled "an act to repeal chapter 118 of the private and local laws of 1856, entitled 'an act to authorise the construction of a turnpike road.'"

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Repealed.

SECTION 1. That chapter 187 of the private and local laws of 1858 be and the same is hereby repealed.

Revived.

§ 2. That chapter 118 of the private and local laws of 1856 be and the same is hereby revived.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 186.

AN ACT to divide the town of Shields, in the county of Dodge, and annex a portion of said town to the town of Lowell, in said county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Land detached and annexed.

SECTION 1. The following numbered sections of land in the town of Shields and county of Dodge, to wit: Sections four, five, six, seven, eight, nine, seventeen, eighteen, and the west half of sections three and sixteen, are hereby detached from said town of Shields and are annexed to the town of Lowell, in said county, and shall hereafter form a part of the town of Lowell, for all purposes whatever.

§ 2. All town offices now held by any person or persons residing upon the territory of land described in the preceding section are hereby declared abolished. Town offices abolished.

§ 3. It is hereby declared to be the judgment of this Legislature that the objects sought to be reached by this bill [act] cannot be obtained under or by any general law of this state.

§ 4. This act shall take effect from and after its passage and publication.

Approved March 17, 1859.

CHAPTER 187.

AN ACT to amend chapter 64 of the private and local laws of 1858, entitled an act to provide for a survey of the city of Appleton, and the record thereof.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of said act is hereby amended by striking [out] all after the word "purposes," where it first occurs in said section, down to and including the word "parcel," where it occurs the second time in said section, and substituting the words following: "And whenever, in the opinion of said engineer, an actual survey and measurement shall be necessary by reason of defects in the plats herein specified, or by reason of the destruction or loss of said land marks, said engineer shall be entitled to two cents additional fees for each and every in-lot and mill-lot so surveyed, measured, and staked at the corners of the blocks, and forty cents for every out-lot so surved, measured and staked out by him. *Provided,* That when more than one out-lot is made of any parcel of land under a single ownership, and not exceeding 40 acres in quantity, according to government survey, no more than forty-three cents shall be charged as fees of said engineer for the whole of such parcel. Amendment—survey of lots, fees, &c. Proviso.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 188.

AN ACT to authorise Levi Deets to keep and maintain a ferry across the Mississippi river.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Right to keep and maintain a ferry.

SECTION 1. That Levi Deets, his heirs and assigns shall have the exclusive right to keep and maintain a ferry across the Mississippi river, from Wheeler's Island, in section number thirteen, township twenty-two north, of range number fourteen, in the county of Buffalo, to Wabashaw, in the State of Minnesota, for the period of ten years.

Regulations, &c

§ 2. The ferry shall be subject to such regulations as other ferries are or may be by law subject; and the proprietor thereof shall be entitled to receive for crossing any vehicle drawn by two horses, or one yoke of oxen, fifty cents, for each additional horse or oxen ten cents, for single horse and buggy, or carriage, thirty-five cents, for man and horse twenty-five cents, for horses and cattle in droves seven cents each, for sheep and hogs in droves three cents each, and for foot passengers ten cents each.

Boats, &c.

§ 3. There shall be kept for use on the said ferry good and sufficient boats, propelled by steam or otherwise, for the accommodation of all persons wishing to cross said ferry and the proprietors shall give prompt attendance on passengers, teams and merchandize, on all occasions. *Provided*, That said boats need not run when serious injury would result thereto by contact with ice.

No other ferry to be licensed.

§ 4. No ferry shall be licensed within two miles of the location of the above established ferry for the term of ten years, and the proprietor shall be allowed six weeks from the date of the passage of this act to stock said ferry with suitable boats for the accommodation of the public.

§ 5. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 189.

AN ACT authorizing the consolidation of the Wisconsin and Minnesota Railroad Company, and the Fox Lake and Wisconsin River Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Wisconsin and Minnesota Railroad Company, a corporation created by an act of the Legislature of this State, approved March 28th, 1854, entitled "an act to incorporate the Fox Lake and St. Croix railroad company," the name and style of which was changed to that of the "Wisconsin and Minnesota Railroad Company" by an act of the Legislature of this State, approved March 14th, 1856, entitled "An act to amend the charter of the Fox Lake and St. Croix railroad Company;" and the Fox Lake and Wisconsin River Railroad company, a corporation created by an act of the Legislature of this State, approved March 5, 1857, entitled "An act to incorporate, the Fox Lake and Wisconsin River Railroad company," are hereby authorized and empowered, to consolidate the capital stock of the two companies, so that the two companies shall become one company, and to place the affairs and property of the two companies, under the direction, management and control of one board of Directors, to consist of not less than nine, nor more than thirteen, upon such terms and conditions as may be agreed upon by a majority of each of the two boards of directors of said companies respectively, and whenever the said two boards shall have respectively agreed upon mutual terms and conditions of consolidation, the same shall be perfected by an agreement in writing containing the terms and conditions of such consolidation, to be signed by the president and secretary of each of said companies, under the seal of said companies respectively; and thereupon, and thenceforth, the said new company shall become a body politic and corporate, by the name and style of the "Wisconsin and Minnesota Railway Company" and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation, they may make, have and use a common seal, and alter, break and renew the same at pleasure; by that name may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be

Authority to consolidate capital stock.

Terms and conditions of consolidation.

CHAPTER 169. contracted with; may take and hold, by purchase, gift, or devise, or in exchange for its capital stock at par, any estate real, personal or mixed, and may grant, bargain, sell, lease, release, convey, pledge or mortgage the same, and generally may do and perform, all the acts and things, which any corporation may lawfully do and perform.

Copy of agreement to be filed with Secretary of State.

§ 2. Whenever the said two companies shall have agreed upon mutual terms and conditions of consolidation, and the same shall have been perfected by an agreement in writing as provided in the next preceding section, a copy of such agreement, duly certified by the secretary of the Wisconsin and Minnesota Railway Company, shall be filed with the Secretary of State, who is hereby required, whenever requested so to do, on payment of his legal fees, to make an official certificate that the aforesaid companies are consolidated according to the provisions of this act, into one company and corporation under the name of the Wisconsin and Minnesota Railway Company, and that such company is a corporation duly formed and existing under the laws of this State; which certificate shall be evidence in any court of law or equity, or wherever proof is required of the same that such argreement of consolidation has been made, and that said consolidated company, is a body corporate, with all the powers, privileges, rights, property and cause of action, by virtue of this act conferred upon or necessary to said corporation.

Rights, privileges, &c.

§ 3. From and after the time of the execution of the said agreement of consolidation, as provided in the first section of this act, the said Wisconsin and Minnesota Railway company, shall have, exercise, own, possess, and enjoy all the rights, privileges, franchises, immunities, grants, conveyances, powers, property, contracts, causes of actions, agreements for running connections with and contributions from the receipts of other railroads, and all the estate, real, personal or mixed, and all the easements or other valuable thing which are now, or at the time of the execution of such agreement shall be had, excercised, owned, possessed, or enjoyed, either by the said Fox Lake and St. Croix Railroad Company, the said Wisconsin and Minnesota Railway Company, or the said Fox Lake and Wisconsin River Railroad Company; and shall in like manner be liable for all the debts, liabilities and obligations of either of the said railroad companies.

Capital stock.

§ 4. The capital stock of the Wisconsin and Minnesota railway company shall consist of one hundred and sixty thousand shares of one hundred dollars each, but stock certificates shall be issued only for such number of shares as shall be actually paid for at par. And the directors are hereby authorized to receive in payment for any of the shares of such stock at par, any real estate situate within this state, at its fair cash value, or any personal property, but shall not receive in payment for any such stock, any notes or bonds secured by mortgage or otherwise, or any other securities commonly known as farm mortgages, and all such real estate so received shall be disposed of by said company within ten years after the same shall have been received in payment as aforesaid, and the same shall not be exempt from taxation.

Powers of company to execute mortgage.

§ 5. The said Wisconsin and Minnesota Railway company is hereby authorized and fully empowered to make, execute and deliver to any person in trust or otherwise, any mortgage or mortgages which it may think proper in security for the payment of the principal or interest of any bonds issued or to be issued by said company, or of any other debt, or upon the whole or any part of the real estate of the said corporation, whether acquired by said corporation by gift, grant, devise, or lease, or in payment for stock, and also of or upon the whole or any part of the railroad of said corporation with its equipments, fixtures, and appurtenances, and the rolling stock of said company, and such mortgage may embrace not only any property in the possession of said corporation at the time of the execution of such mortgage, but also such as may be required thereafter.

Ten years allowed to complete road.

§ 6. The time limited in the acts of incorporation of the said companies hereby authorized to be consolidated, for the commencement and the completion of said rail road is hereby repealed, and the said Wisconsin and Minnesota Railway company is hereby allowed ten years from the passage of this act, within which to complete their railroad.

§ 7. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 190.

AN ACT to provide for the management of the Public Schools of the city of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Organization of schools.

SECTION 1. The common council of the city of Milwaukee are hereby authorized and required to establish and organize so many public or common schools, in addition to those already established in said city, as may be necessary for the accommodation of the children of the city entitled by the constitution and laws of the State, to instruction therein. And the common council shall erect, purchase, hire, or lease houses and furniture, and lots, and improve, enlarge and repair said school houses, and shall have power by ordinance to establish and fix the boundaries of all common school districts in such manner as they may deem best calculated to promote the interests of the schools.

School property.

§ 2. The school houses now erected, and the lots on which they are erected, and the lots now or hereafter purchased, and the school houses thereon erected, shall be the property of the city; and no lot shall be purchased or leased, nor shall any school house be erected without an ordinance duly passed by the common council. Deeds of conveyance and leases shall be made to the city of Milwaukee.

Annual school tax.

§ 3. The common council shall annually levy and collect a tax (in addition to the tax to be levied for general city purposes,) upon all the taxable property of the city in the same manner as other city taxes are levied and collected by law, which shall be sufficient, with the other funds provided for the same purpose, to defray the annual expenses of the schools; and the school tax for the year 1859, shall also include a sum sufficient to meet all outstanding orders drawn upon the school fund of said city.

Public schools to be under the control of the school board.

§ 4. The public schools of the city of Milwaukee shall be under the general management, control and supervision of a school board, consisting of two persons from each ward, to be elected by the common council in joint convention. The members of said board shall hold their offices for two years, unless sooner removed. *Provided*, That the present school commissioners, whose terms of office will expire one, and two years hence,

shall constitute the first school board under this act. A president shall be annually elected by said board, who shall be a member thereof; and in his absence the board shall elect a president for the time.

School Board—official oath, &c.

§ 5. The members of the school board shall take the official oath of office and be subject to all the restrictions, liabilities, punishments, and limitations prescribed by law as to aldermen and councilors in said city of Milwaukee. The council in joint convention may remove any member of the board for causes for which aldermen and councillors are removable. The school board shall not contract any debt, or incur any expenses greater than the amount of the school fund subject to their order, in any one year, without previous ordinance or resolution of the common council. A majority of the whole board shall be a quorum to transact business, but a smaller number may adjourn.

System of instruction.

§ 6. The school board shall require that in the several schools uniform text books shall be used, and that the system of instruction shall be as nearly uniform as practicable; and shall adopt, and at their discretion, modify or repeal by-laws, rules and regulations for their own government, and for the organization, discipline and management of the schools, and generally adopt all such measures as shall promote the good order and public utility of the schools. *Provided*, That such by-laws, rules and regulations shall not conflict with the constitution and laws of this State.

Tax for school purposes.

§ 7. The board shall be governed in all things by the school laws of the State, not altered or modified by this act. And the board shall, annually, before the time for levying taxes, make and report to the common council an estimate of the amount of tax necessary to be levied for the ensuing year for school purposes. And the said tax and the school fund of the city shall not be used or appropriated, directly or indirectly, for any other purpose than the payment of the salaries of the superintendent of schools and of the teachers, and the necessary and current expenses of the schools, including the purchase of school apparatus and fuel, and the ordinary and necessary repairs of school houses and furniture.

Annual report of school board.

§ 8. The school board shall report to the common council annually in the month of August, the general proceedings and acts of said board; the number and condition of the public schools kept in said city during

the year; the time they have severally been taught; the number and names of the teachers, and the amount of salary of each; the number of children taught in said schools respectively; the results of the annual enumeration required by law; the extent of school accommodations in the several schools; the amount of school moneys raised or received during the year, distinguishing the amount received from the State fund, from the taxes levied by the county board of supervisors, and by the common council; and the accounts allowed against the school fund in detail; together with such other information as they may deem useful, or as the common council may require. A copy of said report shall be transmitted to the clerk of the county board of supervisors of Milwaukee county, and by him to the State Superintendent of public instruction at Madison.

Superintendent of schools.

§ 9. The school board shall appoint a person of suitable learning, experience, skill in the art of instruction, and practical familiarity with the best and most approved methods of organizing and conducting a system of city schools, for superintendent of schools, who shall hold his office for one year, unless sooner removed, and until his successor is appointed and qualified. He shall receive such salary as may be allowed by the board, not exceeding two thousand dollars per annum.

Sup't shall be Secretary of board.

§ 10. The superintendent of schools shall be secretary of the school board, shall attend the meetings of the board, and shall keep and record a correct journal of the proceedings of the board, and file all papers relating to the business of the board, or any committee thereof, and he shall do and perform all such other duties as may be required by the board, or by ordinance of the common council.

Powers and duties of Sup't.

§ 11. The superintendent shall, under the direction of the school board, have a general supervision of the public schools of the city, of the manner of grading and conducting them, of the teachers, and in connection with a committee, of the board of the purchase of school apparatus and supplies; he shall, in connection with a committee of the board and with the concurrence of the board, examine, employ, and classify teachers, and dismiss them for incompetency or inattention to duty; he shall, with the concurrence of the board, appoint some suitable person or persons to take the annual enumeration of the children in the city as required by law; he

shall, in connection with a committee of the school board, be the financial committee of the board, who shall audit all accounts and certify them to the school board, before any account shall be allowed.

Removal of Sup't.

§ 12. The superintendent of schools may be removed from office for misdemeanor in office, incompetency, or inattention to the duties of his office, by a vote of two-thirds of the common council in joint convention. *Provided*, That before any proceedings shall be had against him in either board, notice in writing shall be served five days before the time of hearing, and he shall be heard by himself or counsel, and either party may produce witnesses who shall be sworn subject to the pains and penalties of perjury.

School funds.

§ 13. All moneys received by or raised in the city of Milwaukee for school purposes, shall be paid over to the city treasurer, to be disbursed by him on the orders of the president and secretary of the school board, and such orders shall be the only vouchers of the city treasurer, for payments from the school fund. The treasurer and his sureties shall be liable for all school funds that come to his hands, and for payments not authorized by this act.

Grievances.

§ 14. Any person feeling himself or herself aggrieved by any act of the superintendent, may, within ten days after the time of such act, appeal to the school board, who shall dispose of such appeal as may be deemed right.

Repealed.

§ 15. The following named acts are hereby repealed, to wit: An act in relation to common schools in the city of Milwaukee, approved February 3, 1846; an act to amend an act entitled an act in relation to common schools in the city of Milwaukee, approved February 3, 1846, and to authorize the board of school commissioners of said city to settle with the board of a certain school district in the town of Milwaukee, approved April 14, 1852; an act to authorize the city of Milwaukee to borrow money, and for other purposes, approved January 25, 1847; an act in relation to common schools in the city of Milwaukee, approved March 19, 1856; and also all other acts and parts of acts contravening any of the provisions of this act.

§ 16. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 191.

AN ACT to authorise the laying out a State Road from the town of Howard, Brown county to the Menomonee River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. John G. Emery, Uri Balcom, and Eli P. Boyce are hereby appointed commissioners to lay out a state road commencing at Fort Howard in Brown county, running thence in a northerly direction through lots 2 and 7 in section 34, township 28, north, range 20 east, thence in a north-easterly direction to the Peshtego river, at or near Ogden's Mills and thence to Menomonee in the county of Oconto, on a route and line which to said commissioners shall seem most feasible and best. Commission to lay out a State road.

§ 2. No part of the expenses of laying out said road all be paid from the State Treasury. Expense.

§ 3. This act shall take effect from and after its sage.

pproved March 17, 1859.

CHAPTER 192.

end chapter 318 of the private and local laws of the year itled "An act to authorise the establishment of a House of or Juveniles and other delinquents in the county of Mil-

he State of Wisconsin, represented in Senate bly, do enact as follows:

t shall be lawful for the commission- of Refuge of Milwaukee county, un- of the board of supervisors of said for the erection of said House of r the same in county bonds at par. Erection of a house of refuge.

y treasurer of the county of Mil- uthorized to deliver to the order of uch bonds as shall be ordered by sors for said purpose. Treasurer to deliver bonds for said purpose

hall be issued in the same form led for in chapter 318, of the pri- 1855. Issue of bonds.

§ 4. All acts and parts of acts conflicting with the provisions of this act are hereby repealed. Repealed.

§ 5. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 193.

AN ACT to incorporate the Village of Oconto.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That all that tract of land known and described as follows: sections nineteen (19) and twenty (20), township twenty-eight (28), north of range twenty-two (22) east, in the county of Oconto, shall hereafter be known and designated as the Village of Oconto, and the inhabitants residing, or who may hereafter reside, within said village, are hereby constituted a body corporate, to be known and recognized by the name or title of the "President and Trustees of the Village of Oconto," and by said name or title they, and their successors forever, shall and may have perpetual succession, and shall be persons in law capable of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places, and in all suits whatsoever, and in all suits against said corporation, the first process shall be by summons, and an attested copy thereof shall be served upon the President or clerk of the corporation at least ten days previous to the return day thereof. Body corporate

§ 2. The village of Oconto shall be divided into two wards, to wit: lots two (2), three (3), four (4), five (5), six (6), seven (7), eight (8) and the northeast quarter of the northeast quarter and the west half of the northeast quarter of section nineteen (19) township twenty-eight (28) north of range twenty-two east, shall constitute one ward, and shall be known and designated as the west ward; and all that part of said village described as follows, to wit: lots one (1) and nine (9) and the southeast quarter of the southeast quarter of section nineteen (19) and section twenty (20) township twenty-eight (28) north of range twenty-two (22) shall Wards.

CHAPTER 196. constitute one ward, and shall be known and designated as the east ward; and all taxes hereafter levied and collected by the board of trustees hereinafter named, for the purpose of building or repairing bridges, grading or improving roads, streets, alleys, sewers or sidewalks in said village, shall be expended within the limits of each ward, respectively, in which the same may be assessed and collected, and all property within the limits of said village shall. and the same is hereby forever exempt from paying a road tax in any town or township within this State.

Election of officers.

§ 3. It shall be lawful for the qualified electors of said village to meet at the school house in district number one in the west ward, and at the school house in district number two (2) east ward of said village, on the first Tuesay of May, A. D. 1859, and annually thereafter on the first Tuesday in April, at such places as the board of trustees shall appoint, and then and there proceed, by plurality of votes, to elect, by ballot, a President, who shall be ex officio a trustee,six trustees,a treasurer, marshal, two assessors, two justices of the peace,and one superintendent of schools,who shall hold their office for one year, and until their successors are elected and qualified, except justices of the peace, who shall hold their office for two years, as hereinafter provided, all of said officers to be electors of their respective wards; the east ward electing three trustees, one assessor, and one justice of the peace; and the west ward electing three trustee, one assessor and one justice of the peace. No person shall be eligible to the office of president or trustee unless he is an elector and a freeholder in said village: in all cases he shall possess the qualifications prescribed by law in relation to electors.

First meeting of Trustees.

§ 4. At the first meeting of the trustees, (which shall be in ten days after election), they shall, by ballot, elect a clerk, who may hold his office for one year, and until his successor is elected and qualified, being subject to be removed at any time by vote of a majority of the trustees of both wards, and who shall receive the same compensation for like services as is by law allowed to town clerks.

Judges and Clerk of election.

§ 5. At the first election to be held under this act, the electors of each ward shall choose, *viva voce*, two judges and a clerk of said election, who shall take an oath or make affirmation faithfully to discharge the duties required of him by this act; and it shall be the

duty of the clerk of election, in and for the west ward, as soon as may be after the election, to make and deliver a full return of the election in said ward, to the clerk of election in and for the east ward, and it shall be the duty of the last named clerk to make out a full statement of the election, to be returned to the board of trustees at their first meeting, and to notify within three days after the election, all persons elected under this act.

Duty of President.

§ 6. It shall be the duty of the president elect to call a meeting of the trustees elect, to assemble within the time aforesaid, at such time and place as he may designate, and at all subsequent elections the trustees of each ward shall be judges of election in their respective wards if present, if not, the electors present may choose judges thereof, *viva voce*, and the clerk, if present, shall be clerk of the election in that ward in which he may reside, and if not present, the judges of election may choose a clerk, and in the other ward the said judges shall appoint a clerk of the election. And at all elections held under this act, the polls shall be opened between the hours of nine and ten in the forenoon, and closed at four in the afternoon of said day, and at the close of the polls the votes shall be publicly counted, and a true statement of the result proclaimed to the electors present by one of the judges. And it shall be the duty of the clerk appointed by the judges of election, to make out and return, as soon as may be, to the clerk of the board of trustees, a full and true statement of the election in the ward wherein he shall have been clerk; and the clerk of the board of trustees shall make a true entry of the election, and within three days after such election, notify the persons elected of their election, respectively, and in case any two or more persons shall receive the same and the highest number of votes for any office herein named at any election, it shall be decided by lot who of such persons shall fill such office, to be decided by the judges of election, and it shall be the duty of the clerk to publish, at least ten days previous to the day of holding such elections, by posting a notice in at least three public places in each ward of said village, or by publication in a newspaper published in said village, as the board of trustees may direct.

Vacancies in office.

§ 7. In case of a vacancy or vacancies in any of the offices herein named, it shall be the duty of the board of trustees to fill the same by appointment, except the

CHAPTER 198. office of justice of the peace, which shall be filled as hereinafter provided: *Provided*, That the office of president shall be filled by a trustee, and the office of the trustee shall be filled by a person eligible to such office to be chosen by the trustee or trustees of the ward in which the vacancy shall have occurred.

Ibid. § 8. In case of a vacancy in the office of justice of the peace, it shall be the duty of the president to call a special election to fill such vacancy, in the ward in which the same occurred, by causing to be posted up a notice in three public places in said ward, at least ten days previous to said election.

Oath of office. § 9. Every officer elected under this act, or appointed by virtue or in pursuance of its provisions, shall, within ten days after his election or appointment, and before he enters upon the duties of his office, take and subscribe an oath or affirmation in the form following, which oath or affirmation shall be filed in the office of the clerk of the board of trustees: I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the State of Wisconsin, and faithfully discharge the duties of ——— of the village of Oconto, according the best of my ability. And the treasurer and marshal, before they enter upon the duties of their offices, shall execute and deliver a bond to the president and trustees in such sum and with sureties and conditions as a majority of said trustees may direct.

Duty of President. § 10. It shall be the duty of the president to preside at all meetings of the trustees, but he shall have none other than a casting vote and to see that the by-laws and ordinances are duly observed and enforced.

Duty of Clerk. § 11. It shall be the duty of the clerk to record the returns made to the board of trustees of the election had under this act and to transmit notice thereof immediately after the qualification of any marshal chosen or appointed and after the election of any justice of the peace in said village to the clerk of the circuit court of the county of Oconto, to keep a record of the doings of the board of trustees and of the by-laws, ordinances and regulations, and also the doings and votes of the electors of said village at their annual and other elections, and to file and preserve all papers which may be ordered on file by the trustees, he shall also make out all taxes for village or other purposes within said cor-

poration—the record kept by the clerk shall be evidence in all legal proceedings and copies of all papers duly filed in his office and transcripts from the records of the proceedings of the board of trustees certified by him under the corporate seal shall be evidence in all courts of the contents of the same.

Treasurer—powers and duties of.

§ 12. The treasurer of said village shall receive all moneys which may or shall be collected for the use of the corporation by virtue of this act, or by virtue of any by-law or ordinance of the corporation and give the person paying the same his receipt therefor; all moneys shall be drawn from the treasurer by warrant, under the corporate seal signed by the president, by order of the trustees, and countersigned by the clerk, who shall keep a record thereof, and every such warrant shall set forth for what purpose the amount specified therein is to be paid, and the said treasurer shall pay out the funds of the corporation in no other way whatsoever, he shall keep a just and true account of all moneys and other things coming into his hands as treasurer in a book to be provided by the corporation for that purpose, which book shall be and remain the property of the corporation, and in said book he shall note the time when the person from whom the amount of the several sums were received, and the source from whence the said sums arose respectively, and in the same book he shall duly enter an account of all sums paid out, and said book shall at all reasonable times be open to the inspection of the voters of said village, and the said treasurer shall annually and as often as they shall require render to the board of trustees, a minute account of all receipts and disbursements, and the said treasurer shall be collector of taxes within the corporation, except such as are hereafter required to be collected by the marshal, and he shall possess all the powers and perform the duties as such collector as is or may hereafter be conferred upon town treasurers; he shall in the same manner before receiving the assessment rolls of the respective wards, execute his bond to the president and trustees of the village of Oconto, which bond shall be approved by the president of the village, and upon filing the same with the clerk of said corporation, the said clerk shall deliver the assessment roll of each ward to him, and the said treasurer shall proceed and collect the taxes in the manner as is by law provided for town treasurers, and shall duly make his return to the county

Annual statement of Treasurer.

treasurer of his county, receiving the same compensation for his services as allowed to town treasurers.

Duty of Assessors.

§ 13. The assessors in each ward between the first day of June and the first day of July in each year, shall ascertain by diligent inquiry, the names of all the owners of taxable real estate therein, on the first day of June of each year, and shall make out two assessment rolls of all such taxable property, and appraise the same at the value and in the same manner as town assessors are required to do; the assessors of each ward may require any person giving in the amount or list of his taxable property, to make oath before him that the same is just and correct, and any person refusing to make such oath shall not be permitted afterwards to reduce the valuation made by such assessor of his property for that year, the assessor of each ward after completing his assessment rolls shall deliver the same to the president and trustees to be corrected by them as hereinafter provided and when so corrected the assessors of each ward shall return said assessment roll to the clerk of the board of supervisors of said county at the time and in the manner provided by law for town assessors.

President—duties of.

§ 14. The president shall have charge of all such affairs of said village as are not by law made the duties of other officers; he shall attend the annual and all special meetings of the board of supervisors of his county and at such meetings shall perform all the duties and have all the rights and privileges in representing said village that are conferred upon the chairman of the board of supervisors of each town.

Marshal—his powers and duties.

§ 15. The marshal before he enters upon the duties of his office, and within ten days after his election and appointment, shall execute an instrument in writing with two or more sufficient surities to be approved by the president, conditioned to pay to each and every person who may be entitled thereto all such sums of money as the said marshal may become liable to pay for or on account of any moneys which may come into his hands by virtue of his office, or for the neglect of any official duty, which writing shall be filed with the clerk of said village; and the said marshal shall possess all of the powers and enjoy all the rights of a constable in said town of Oconto, and be subject to the same liabilities; he shall have power to serve and return summons, attachments, replevins, executions and all

other writs issued by any justice of the peace in Oconto county, and his returns properly certified thereon shall be evidence of the service thereof; it shall be his duty to execute and return all writs and process in criminal cases, or for the violation of any ordinance of said village, and he may serve the same in any part of the State of Wisconsin; it shall be his duty to suppress all riots, disturbances and breaches of the peace; to apprehend all disorderly persons in said village and pursue and arrest any person fleeing from justice in any part of the state; to apprehend any person in the act of committing an offence against the laws of this state, or ordinances of the village, and forthwith to bring such person before competent authority for examination, and for all services he shall receive like fees as allowed to constables; he shall also do and perform all such duties as may lawfully be required of him by the ordinances of said village, and he shall have power to appoint one or more deputies, to be approved by the president, for whose official acts the said marshal shall be responsible and of whom he may require a bond for the faithful discharge of the duties.

Justice of the Peace—term of office, &c.

§ 16. The justice of the peace shall hold his office for two years from and after the first Monday in May next succeeding his election, except when elected to fill a vacancy, in which case he shall hold during the unexpired portion of such term. He shall, before he enters upon the duties of his office, take and subscribe his oath of office, and shall also execute a bond in writing, with two or more sufficient surities, to be approved by the president, in the form and manner required by law of justices of the peace. The approval of the surities shall be endorsed upon such instrument, and the said justice shall cause the same, together with his oath of office, to be filed in the office of the clerk of the circuit court of Oconto county, and a copy of said instrument, duly certified by said clerk, shall be *prima facia* evidence of the contents thereof. The justices of the peace in each ward shall have jurisdiction in all cases civil or criminal arising with in said corporation, and also with in said county of Oconto, to hear try, examine and determine the same, in the manner provided by law.

School Superintendent.

§ 17. It shall be the duty of the superintendent of schools of said village to visit the schools therein, and to perform all duties required by superintendents of schools of towns in this state.

§ 18. On the first Monday in May next all connection between the town of Oconto and the village of Oconto, for town purposes, shall be dissolved, and the duties now and hereafter imposed upon the supervisors and other officers of towns shall be imposed on the officers of the village of Oconto; and so much of the town of Oconto as is not included in the limits of said village shall continue to constitute the town of Oconto for the purposes of town and county government, and they shall, at their next town meeting, or election, fix their place of meeting, by a vote of the electors at that town meeting.

Inspectors of election.

§ 19. At all general elections the trustees of said wards shall be the inspectors, and in case of the death, absence, or refusal to act, of any or all of the inspectors, the electors present may choose, *viva voce*, from the qualified electors of the ward such number as together with the inspectors present, if any, will constitute a board of three, and the person so chosen shall be authorized to act as inspectors at that election. The clerk of said village shall be clerk of the general election in the ward in which he resides, if present, and before the opening the polls the inspectors of his ward shall appoint another competent person to be clerk of the election, and the inspectors in the other wards shall appoint two such clerks, who shall be qualified electors of the ward in which he is appointed.

Ibid.

§ 20. Previous to receiving any votes the inspectors and clerks of election shall severally take an oath or affirmation as by law required, and they shall be governed in conducting the election, canvassing and returning votes by the statutes in such cases made and provided. The canvass being complete, the inspectors shall draw up a statement of the result in writing and cause a duplicate thereof to be made, which statement and duplicate they shall certify to be correct and subscribe with their names; one of said statements shall be delivered to the clerk of said village, to be filed and preserved by him, and the other shall be sealed up and transmitted to the clerk of the board of supervisors of the county as is required by law.

School tax.

§ 21. The president and trustees of said village shall assess by tax, annually, for the support of common schools, in both of said wards, an amount which shall not be less than one-half of the amount received from the income of the school fund.

§ 22. The superintendent of schools in the town of

Oconto shall receive the money apportioned to the town of Oconto and apportion the same money to the several school districts for the year 1859 in same manner as if this act had not been passed.

School money for 1859.

§ 23. The president and trustees shall have power to enact, establish, publish and enforce, alter, modify, amend or repeal all such ordinances, rules and by-laws for the government and good order of said village, for the suppression of vice, for the prevention of fires, for the benefit of trade and commerce, and for the health thereof, as they may deem expedient, declaring and imposing penalties, and to enforce the same against any person who may violate any of the provisions of such ordinance, rules, or by-laws, and such ordinances, rules and by-laws are hereby declared to be and have force of law. *Provided*, That they be not repugnant to the constitution and laws of the United States or of this State, and for those purposes shall have authority, by ordinance or by-laws, to organize fire companies, hook and ladder companies, and to regulate their government and the time and manner of their exercise, to provide all necessary apparatus for the extinguishing of fires, to require the owners of buildings to provide and keep suitable ladders and fire-buckets, which are hereby declared to be appurtenances to the real estate and exempt from seizure, distress or sale in any manner, and if the owners shall refuse or neglect to procure suitable ladders or fire-buckets, after reasonable notice, the trustees may provide and deliver the same to him, and in default of payment therefor, may recover of said owners the value of such ladder or fire-buckets, or both, with the costs of suit; to regulate the storage of gunpowder and other dangerous materials; to direct the safe construction of places for the deposit of ashes, an to appoint one or more fire wardens, to enter into, at all reasonable times, and examine all dwelling houses, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition; to regulate the manner of putting up stove pipes; to prevent fires and the use of fire-works and firearms within the limits of said village, or such part thereof as they may think fit or proper; to compel the inhabitants of said village to aid in the extinguishing of fires; to pull, break down and raze such buildings in the vicinity of

Power of President and Trustees.

Fire Wardens.

CHAPTER 199. fires as shall be directed by the trustees, or any three of them, who may be at the fire, for the purpose of preventing communication with other buildings, and every building so destroyed shall be paid for by the corporation; to construct and preserve reservoirs, pumps, wells and other water-works, and regulate the use thereof, and generally to establish other measures of prudence for the preservation of property, or extinguishment of fires, as they may deem fit or proper.

Public health. 2d. To prevent, abate and remove nuisances, and to take such measures for the public health as they may deem proper, and compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tanery, stable, barn, privy, sewer, slaughter house, or other unwholesome or nauseous house or place, to cleanse, remove, or abate the same, from time to time, as often as it may be deemed necessary, for the health, comfort and convenience of said village.

Licenses. 3d. To establish rules for, and license and regulate taverns, groceries and victualing houses, and all persons retailing spirituous vines, or fermented liquors. *Provided*, That no tavern or hotel keeper shall pay less than twenty-five dollars, or over fifty dollars for said license per annum, and no grocery keeper or other dealer therein shall pay less than fifty dollars, or over one hundred dollars for his license each year, except for the sale of lager beer, which may be sold upon such terms and under such regulations as said board may prescribe, except, also the said board may license one apothecary shop in each ward to sell spirituous or other liquors, for medical or mechanical purposes, who shall pay not less than ten dollars nor over twenty-five dollars for said license, and to license and regulate common showmen or shows of any kind, or the exhibition of any artificial curiosities, caravans, circuses, or theatrical performances, under the ordinances or common law.

Gambling. 4th. To prohibit and restrain all description of gaming and fraudulent devices and practices, and playing of cards, dice and other games of chance for the purpose of gaming in said village.

5th. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses, or houses of ill-fame, shows or exhibitions.

6th. To direct the location of slaughter houses and markets.

7th. To prevent the encumbering of the streets, side-

walks, alleys or public grounds with carriages, carts or wagons, sleighs, boxes, lumber, fire wood, or other materials or substances whatever; to prohibit the obstruction of the Oconto river within the corporation, by building piers or establish booms, or by throwing saw-dust or other substances whatever, so as to obstruct the navigation of said river.

Encumbering streets, &c.

8th. To prevent horse racing, immoderate riding or driving in the streets, and regulate the places for bathing or swimming in the waters within the limits of said corporation.

9th. To restrain the running at large of cattle, swine, sheep, horses and other animals, and authorize the distraining and sale of the same, or to impose a fine not exceeding five dollars for every such animal found so going at large, in violation of the laws of the village.

10th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances, or to impose a tax on the same.

Removal of unwholesome substances.

11th. To prevent any person from bringing or depositing or having within said village any putrid carcass, or any unwholesome substance, and to require the removal of the same by any person who has upon his premises any such substance or putrid or unwholesome beef, pork, fish, hides, or skins of any kind, and in default, to authorize the removal thereof by some competent officer, at the expense of said person or persons.

Board of health

12th. To establish boards of health, to furnish hospitals and cemetry grounds, regulate burial of the dead, and the returns of the bills of mortality, and exempt burial grounds set apart for that use from taxation.

13th. To provide for the protection of bridges and to grant charters for building the same, to have full control of the streets crossing the Oconto river, to regulate the passing the same within the limits of said village. *Provided*, That nothing in this act contained shall authorize the construction of any bridge or bridges across the Oconto river.

14th. To prevent all persons from riding or driving any horse, mule, cattle, or other animal, on the sidewalk, or in any way doing damage to such sidewalk, to prevent riding or driving on any bridge faster than a walk.

Intemperance

15th. To restrain immoderate drinking and obscenity in the streets of said village, and to provide for the

arresting, removing and punishing any person who may be guilty of the same.

16. To protect trees and monuments in said village.

17th. To establish the grades of all streets in said corporation and appoint a surveyor and prescribe his duties, fix his compensation, not to exceed the pay allowed by law to others for like services.

Penalty for violating ordinances, &c.

§ 24. In all cases in relation to which by the provisions of this act the president and trustees have the power to enact or pass ordinances or by-laws in relation to any subject they may prescribe any penalty for the violation of such ordinance or by-laws not exceeding fifty dollars for any one offence in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered, for such violation or non-observance the offender may be imprisoned for such term as they may by such ordinance direct, not exceeding thirty days, for which purpose the said village shall have the use of the jail of the county of Oconto, for the imprisonment of any persons liable to be imprisoned, and all persons committed to said jail by the marshal, or any other officer of said corporation, shall be under the charge of the sheriff of the county of Oconto.

Suits for violating ordinances

§ 25. On all suits for the violation of any ordinance of the village, the process may be by warrant, and it shall be sufficient, without setting forth the special matter, to declare generally with reference to the ordinance under which the action is brought, the defendant may plead the general issue and give the special matter in evidence, and a printed copy of an ordinance published in a newspaper or a pamphlet by authority of the trustees or a certified copy attested by the clerk of said village, shall be *prima facia* evidence of the passage and publication of such ordinance.

Executions.

§ 26. Every execution issued upon judgment for the violation or non-observance of any ordinance or by-law of said village, shall contain a clause directing the event of non-payment of the judgment of the imprisonment in the county jail for such term as shall have been provided for by the ordinance under which the judgment shall have been rendered; all fines, penalties, when received or collected, shall be paid into the treasury of said village, to be expended for the benefit of said corporation as the president and trustees shall direct.

§ 27. Any ordinance, regulation, rule or by-law imposing any penalty or forfeiture for the violation of any of its provisions shall be published by posting a written or printed notice in three public places in each ward at least one week before the same shall be in force, and proof of such posting up by the affidavit of the president, or one of the trustees or clerk, shall be conclusive evidence of the publication and promulgation of such ornance, rules, regulations or by-laws in all courts and places. Ordinances, &c. to be published.

§ 28. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said village in any action or proceeding in which said village is a party interested.

§ 29. The president and trustees shall appoint one street commissioner in each ward, to lay out, open and keep in repair, grade, pave, or otherwise, improve streets, avenues, lanes, alleys, sewers, side-walks and cross walks, to insure the public property of the village, and they shall procure all necessary blank books and stationery as may be required for village purposes, they shall levy taxes on all such property as shall be subject to town and county taxes. *Provided*, That in any one year the taxes for corporation purposes shall not exceed one per cent. on the assessed valuation of taxable property of said village, unless two-thirds of the electors of said village, voting at a meeting regularly called for that purpose, or at an annual meeting, shall vote a larger sum to be raised; but in no case shall the electors be allowed to raise more than two per cent. on the assessed valuation as aforesaid. Street Commissioner.

§ 30. No account or claim against said village shall be paid until it shall have been presented to the trustees thereof, and audited and allowed by them, and when any such account shall be so audited, the trustees so auditing the same, shall endorse thereon, or annex thereto, a certificate, subscribed by them, of such auditing and allowing, or disallowing, the same, on which the sum so allowed, if any, and the charges for which the same as allowed shall be specified. Accounts, claims, &c.

§ 31. No account or claim shall be audited or allowed by the trustees until it shall be made out in items and shall be accompanied by an affidavit of the person claiming to have done the service, or made disbursements therein charged, that the sever- Ibid.

al items of the amount or claim are correct, and that the serivces therein charged have been rendered and the disbursements therein charged have been made and that no part thereof has been paid, such affidavit shall be endorsed or annexed to such account or claim and presented therewith. Any one of the trustees when such account or claim shall be presented to them, may administer the oath required in this section, and the trustees may examine the claimant on oath as to the items in such account or claim.

§ 32. Nothing in the last preceding section shall be construed to prevent the trustees from disallowing any account or claim in whole or in part when so made out and verified, nor from requiring other and further evidence of the correctness and reasonableness thereof.

Accounts and claims to be numbered.

§ 33. Every account or claim shall be numbered that is presented to the trustees in any year from one upwares in the order in which they were presented, and a memorandum of the time of presenting the same, the name of the person in whose favor it shall be made out and of the person by whom it shall be presented, shall be entered in the records of the proceeding of the trustees.

Warrants drawn by Trustees.

§ 34. Every warrant drawn by the trustees to pay any claim shall refer to such act by the number, the name of the person in whose favor it was made out and the time when it was presented and a memorandum of such reference and of the amount of the warrant shall be entered in such records before such warrant shall be delivered to the claimant.

Trustees.

§ 35. No trustees shall allow or subscribe a certificate of allowance of any item in any account or claim against said village, which said village shall not be legally bound to pay or for the payment of which it could not be legally bound to pay or for the payment of which it could not lawfully raise money thereon by tax, nor shall any trustee sign any warrant for the payment of any such account or claim or any part thereof.

Power to borrow money.

§ 36. Said village shall have no power to borrow money nor shall it be liable to pay money borrowed on its account or advanced on its behalf by its officers or any other person, nor shall any of its money or property be applied to any such purpose, nor shall the village incur any debt or liability in any year greater than the amount of tax allowed by this act to be raised in

said village in the year in which such debt or liability was incurred. CHAPTER 198.

§ 37. Whenever a majority of all the resident owners of real estate on both side of any street or part of a street not less than ten rods in length, or on any block in said village, shall desire to have such street graded, paved or otherwise improved, they may make and sign an application in writing to the board of trustees of said village, specifying in such application the sum necessary to be raised for that purpose, and the said trustees shall levy and cause to be collected such sum by tax on all owners of real estate or lots on such street or part of street, said tax shall be levied on the last assessed valuation of the real estate and lots exclusive of improvements respectively, as the same shall appear in the assessment roll of said village, or may be determined by the board of trustees. Grading and paving streets.

§ 38. Whenever a majority of all the resident owners of real estate and lots bounding on one side of any such street or part of street shall desire to have a side walk built or repaired, the application for that purpose shall be made to the trustees by such owners and the tax for building or repairing such side walk shall be levied as prescribed in the preceding section. Sidewalks.

§ 39. Whenever the trustees shall levy any tax for the purpose of grading, paving or improving any street, or for the building any sidewalk, they shall direct the clerk to make out and deliver to the street commissioners such tax to be collected in his ward and expended, a lists of persons and a description of the property taxed, and therefore the said street commissioner shall notify the persons named in such tax list by posting up a notice in three or more of the most conspicuous places in said village, or in some newspaper printed in said village, and shall specify in such notice a time and place not less than twenty days nor more than thirty days from the date thereof, when the persons charged with taxes in such list may pay their taxes in labor or materials: *Provided*, The labor and the materials offered in payment for such taxes are suitable and such as may be required by said street commissioners. Tax for improving streets.

§ 40. At the expiration of thirty days from the time the said street commissioner shall have received such tax list, he shall return the same to the trustees accompanied by a statement verified by his affidavit subscribed thereto, showing the amount of tax collect- Tax list.

ed in labor and materials, and the amount collected in money, has been expended, and the items of expenditure, also the taxes remaining unpaid, and the persons and description of real estate and lots to which said unpaid taxes stand charged.

Assessment rolls.

§ 41. The trustees, in making out duplicate assessment rolls of said village next thereafter, shall enter such unpaid taxes therein in a separate column, with twelve per cent. interest added thereto, opposite to the names of the persons and description of property against which the taxes so remain unpaid, and such taxes shall be collected in the same manner as the general taxes in said village are collected, and when so collected they shall be paid over to the street commissioners on the order of the trustees, to be expended on the streets or sidewalks for which they were originally assessed.

General tax.

§ 42. The trustees shall, between the first Monday in May and the first Monday in July of each year, determine the amount of general tax necessary to be assessed and collected in said village the current year, and also the highway tax, which taxes shall not be less than five mills on the dollar valuation, or more than ten mills on the dollar assessed valuation, and a poll tax of one dollar and fifty cents upon every male person over the age of twenty-one years and under fifty years of age resisiding in said village, which may be paid in labor at one dollar per day, or in mateials or money, and the same compensation shall be allowed for teams, wagons, carts, plows, scrapers and labor, as is by law allowed, and all such taxes shall be collected by the street commissioners, and all unpaid taxes shall be returned by the street commissioners to the board of trustees, and collected by the marshal as hereinafter provided.

Public notice of completion of assessment roll.

§ 43. Whenever the said assessment roll shall have been delivered to the board of trustees, as mentioned in section thirteen, such board of trustees shall forthwith direct their clerk to give public notice by publishing the same in writing in two or more of the most conspicuous places in each ward, of the completion of such roll by the assesors, and shall specify in said notice the time and place where the said trustees will meet to hear appeals from the proceedings of such assessors. On such appeals being made to said trustees, they shall have power to alter and correct such assessment rolls, and the said trustees shall have have power to equal-

ize the valuation in such assessment rolls, not, however, increasing the aggregate, except by such additional descriptions as may have been omitted by the assessor.

Trustees shall cause tax to be levied.

§ 44. When such assessment rolls shall be finally completed, the trustees shall cause to be levied such amounts of tax as shall have been determined to have been raised, and to set opposite to each description and valuation of taxable property, the amount of tax charged upon such property and to each person respectively, and when such tax list shall have been so completed,they shall forthwith cause a true copy thereof to be made out, and a warrant to the marshal of said village, as hereinafter provided, that the original assessment rolls and tax list shall be deposited with the treasurer of said village. All taxes assessed by the trustees, or by vote of the village, for corporate purposes, except those required to be collected by the street commissioners, shall he collected by the marshal, as hereinafter provided.

Tax warrant.

§ 45. The warrant annexed to any tax list delivered to the marshal, as aforesaid, shall be signed by the president and countersigned by the clerk of said village, or, in the absence of the president, such warrant shall be signed by a majority of the trustees. Such warrant shall command the marshall to collect the taxes mentioned in such tax list, in forty days, and pay over the same to the treasurer of said village, and make return of said warrant to said treasurer. The trustees may renew the warrant annexed to any tax list for thirty days when they shall deem it necessary, but any such warrant shall not be renewed more than once.

Duty of Marshal upon receipt of tax list

§ 46. Upon the receipt of the tax list aforesaid, it shall be the duty of the marshal to give public notice, by putting up a notice in three public places in each ward, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing such notice, and all taxes paid during said thirty days shall be subject to a deduction of five per cent. upon the amount paid.

Non-payment of taxes.

§ 47. If the taxes are not paid to the marshal within the said term,he may then proceed to collect the same by distress and sale of the goods and chattels of the person charged, giving six days notice of the time and place of such sale, by written notices set up in three public places in said village.

CHAPTER 192.

Marshal—return of warrant

§ 48. It shall be the duty of the marshal, within the time prescribed in any such warrant for the return thereof, to pay over all sums collected by him to the treasurer of said village, and to return such warrant to the said treasurer, with his return thereon written, subscribed by him, and specifying any such sum or sums of money not collected by him by reason of his not being able to find property in said village out of which he could collect the same, and if any sum be returned not collected by him, his returns shall be accompanied by his affidavit that the facts therein stated are true.

Tax advertisement.

§ 49. In case the tax on any lot or parcel of land shall remain unpaid on the first day of October, it shall be the duty of the treasurer, within ten days thereafter, to make out a general advertisement, stating that all lot or other pieces of land upon which the taxes have have not been paid, will be sold by him at a certain time and place therein mentioned, for the purpose of paying the taxes which may be assesed thereon, together with all costs and liabilities which may accrue by advertising and selling, agreeable to the provisions of this act; said advertisement shall be published in a written notice set up in three of the most public places in each ward of said village.

Tax sale.

§ 50. On the day and at the time and place mentioned in the notice, the treasurer shall commence the sale of lands and lots, and continue the same from day to day until so much thereof shall be sold as will pay the taxes, interest, charges due, assessed and charged thereon agreeably to this act, and the treasurer shall give to the purchaser of any lot or lots of lands a certificate of the lots or the lands sold and purchased, stating the sum paid therefor, including fees, and the time the purchaser or purchasers will be entitled to a deed, and should there be no bid sufficient to cover such tax, and costs and charges, the same shall be bid off by the president or one of the trustees for the use of said corporation, and the president and trustees, or their successors in office, shall be entitled to a deed in the same manner as if sold to an individual.

Tax notice, &c. to be filed by Clerk.

§ 51. Said treasurer shall, immediately after the close of any such sale of lots or lands for taxes, deposit in the office of the clerk of said village, all affidavits, notices and papers in relation to such tax roll, to be filed in his office of said clerk, also a statement containing a particular description of each lot or parcel of

land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and the name of the owner if known, and the said treasurer and clerk shall record such statement in a book kept for that purpose by each of them in their respective offices.

Redemption of lands sold for taxes.

§ 52. If the person claiming the title to the lots or parcels of land so sold and described in said certificate given by the treasurer, shall not, within two years from the date thereof, pay to the treasurer for the use of the purchaser, his heirs and assigns, the sum mentioned in the said certificate, together with the interest thereon at the rate of twenty-five per cent. per annum, from the date of such certificate, the treasurer shall, at the expiration of said two years, execute to the purchaser, his heirs and assigns, a conveyance of the lots or parcels of lands so sold, which conveyance shall vest in the person or persons to whom the same shall be given, an absolute estate in fee simple, and the said conveyance shall be evidence that the same was regular according to the provisions of this act; and any such conveyance, executed by the treasurer under his hand and the seal of the corporation, in the name and on behalf of said village, and the execution thereof witnessed and acknowledged as by law in other cases provided, may be given in evidence and recorded in the same manner and with like [effect] as a deed regularly acknowledged by the grantor: *Provided*, That in case of assessment of taxes in gross upon any lot or parcel of land, the treasurer, upon the application of any claimant or owner of a part thereof, either divided or undivided, shall receive the taxes or such part, either in payment or redemption, with interest and charges thereon proportioned to the quantity of such lot or tract so claimed or owned, and the remainder of such taxes, interest and charges shall be a lien only on the remainder of lot or piece of land.

Treasurer shall advertise forfeited lands.

§ 53. In all cases before land shall be conveyed as aforesaid, the treasurer shall advertise the same by a correct description thereof for three months in some newspaper published in said corporation, or in some newspaper published in Brown county, stating that all such lots or parcels of land will be forfeited if the taxes, interest and charges upon the same are not paid before the day mentioned in such notice.

Fees for advertising, &c.

§ 54. All lots or lands which shall be advertised for sale for nonpayment of taxes, shall be subject to a charge

CHAPTER 198. of five per cent. for each lot or piece of land so advertised for the first advertisement, and each lot or parcel of land which shall be sold as aforesaid, shall be chargable with the following fees: for each certificate to be given to a purchaser of any lot or parcel of land at such sale, twelve and a half cents; for certifying the amount necessary to redeem any lot or piece, twelve and a half cents; and one dollar for each conveyance executed in pursuance of this act, the said fees to be paid by the person receiving such instrument; the charges for advertising the forfeiture of a piece of land shall be ten cents for each lot or parcel.

All taxes to be paid by purchaser.

§ 55. Any person who shall purchase any lot or piece of land in pursuance of this act, shall pay all taxes returned subsequent to such sale on such lot or piece of land to the treasurer, with interest at the rate of twenty-five per cent. per annum for the benefit of the certificate holders or corporation so paying said tax.

Taxes for improving road, &c.

§ 56. All taxes levied and collected by the trustees of said village for the purposes of repairing, grading or improving roads, streets or alleys, (or building or repairing any bridge,) in said village, shall be expended within the limits of each ward respectively, in which the same has been assessed and collected, except the highway tax and poll tax, or any part thereof, may be expended upon the streets running between and dividing the two wards.

Street Commissioners.

§ 57. The street commissioners of said village shall, under the directions of the president and trustees, superintend (the building or repairing of bridges) the grading, paving and improvements of streets, and building of and repairing sidewalk, and the expenditures of taxes levied and collected for that purpose, and shall receive such compensation as shall be allowed by the trustees under the provisions of this act.

Trustees shall make an annual report.

§ 58. At every annual election the trustees shall make a full and correct report and statement which shall show the name of every person who have had an account or claim allowed by them, the amount of such account or claim as presented, the amount allowed and a brief statement of the demand, which shall be publicly read and shall embrace all accounts allowed by them during the preceding year, and up to the time of making said report.

Affidavit of publication of notice.

§ 59. The affidavit of any person competent to testify in a court of justice, of the publication in posting

up of any notice required by the provisions of this act to be published or posted up, shall be received as proof of the publication of such notice in all courts and places.

In case no election be had, Trustees may order new election.

§ 60. If the first or any annual election provided for in this act, shall, for any cause, not be held at the time prescribed, it shall not be considered a sufficient reason for arresting, suspending or absolving the said corporation, but such election may be held at any time thereafter by order of any five freeholders, or by order of the trustees of said village, of which ten days' notice shall be given by posting up a notice in three public places in each ward; and furthermore, if any of the duties enjoined by this act, at a time therein specified, or specified by any ordinance of said village, are not there done, the trustees may appoint an other time in which the said duties may be performed. *Provided*, That the officers so failing to execute such duties at the time required shall be liable to the same actions, fines and penalties, as they would have been, had not said power been conferred upon or exercised by said trustees.

Power of Trustees to appoint and remove.

§ 61. The trustees shall have power to appoint, and at their pleasure to remove the following officers, to wit: one chief engineer of the fire department, two fire wardens, and as many assistant wardens as they may from time to time deem necessary, one surveyor, one sealer of weights and measures, sexton and keepers of burial grounds, and a street commissioner in each ward, and prescribe their duties and fix their compensation under the provisions of this act, and to impose and enforce in law such penalties as to the said trustees may seem proper for any malfeasance or improper conduct of any of said officers, and to require bonds for the faithful performance of the duties of any such of them as may be deemed expedient and necessary by the trustees.

Transaction of business.

§ 62. A majority of the trustees shall be a quorum for the transaction of business, but a less number may meet and adjourn from time to time, or may compel the attendance of any trustee or trustees by an order to be executed by the marshal until a quorum shall be present, but shall do no other business, and in the absence of the president three trustees being present, one of their number may be appointed chairman *pro tem.*

§ 63. Any person or persons who shall vend any

Penalty for selling intoxicating liquors without license.

spirituous, ardent or intoxicating liquors or drinks within the corporation in violation of the provisions of this act or contrary to any ordinance or by-laws thereof without first having obtained a license to sell the same, shall for every such offence be fined not less than ten dollars or more than fifty dollars with costs, or be imprisoned in the county jail of the county of Oconto, not exceeding thirty days.

Jurisdiction of Justices of the Peace.

§ 64. The justices of the peace within the said corporation shall have jurisdiction of all cases under the provisions of this act or for the violation of any ordinance and by-laws thereof, and in all such cases and in all criminal cases and in suits for damages done to real estate, if the suit should be removed from the justice before whom the same was commenced for prejudice or other cause, the papers shall be transmitted to the other justice in the said corporation if authorized to try a suit between the parties and if no such justice, or if he be absent or sick, in that case the papers shall be transmitted to the nearest justice of the county in which the defendant may reside or which the writ was served.

Transcript of judgment.

§ 65. A transcript of a judgment for more than ten dollars exclusive of costs rendered by any justice of the peace of said corporation may be filed with the clerk of the circuit court of Oconto county and shall be a lien on the real estate of the defendant therein and execution may be issued therein as in other cases made and provided in relation to the transcript of justices judgments.

urors.

§ 66. All persons residing within said corporation qualified to serve as jurors in courts of record shall be competent to serve as jurors in any case tried before any justice of the peace therein.

§ 67. If from any cause the president cannot attend the meeting of the county board, the trustees may appoint one of their number to attend in his stead.

Present officers of town—election to fill vacancies.

§ 68. All the officers of the town in which said village of Oconto is situated shall remain in office as if this act had not been passed, until the first Tuesday of April, 1860, except such of said officers as may reside within the limits of said village, and the term of office of all such officers shall expire on the first Monday of June next, and it shall be the duty of the board of supervisors of said town to fix a time and place within the limits of said town between the second Monday of

May and the first Monday of June at which a special election shall be held to fill any vacancy to occur as aforesaid, notice of which shall be given by posting up notices thereof in three or more public places in said town for at least ten days previous to the time so fixed for such special election.

When act shall take effect.

§ 69. This act shall take effect from and after its passage; *Provided, however*, That if from any cause an election shall not be held on the first Tuesday of May next, as herein provided for, the first election of village officers, then and in such case the operation of this act and of all of the provisions therein contained shall be suspended and shall have no force or effect until the first Tuesday of April, 1860, at which time the first election may be held, and the said village become incorporated and established as herein before provided.

Approved March 17, 1859.

CHAPTER 194.

AN ACT to incorporate the First Unitarian Society of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Body corporate

SECTION 1. That William H. Metcalf, Edward P. Allis, and Charles F. Ilsley and their associates, together with such persons as may be hereafter associated with them, be and they are hereby created a body politic and corporate, with perpetual succession by the name of "The First Unitarian Society of Milwaukee" and by that name shall be competent to contract and to be contracted with, sue and be sued, answer and be answered unto in all courts and places and to acquire, hold and enjoy as well as to sell and convey or otherwise dispose of property both real and personal; *Provided*, That the powers herein granted shall not be so construed as to authorize the corporation hereby created to purchase, sell, or deal in any property except for purposes connected with the erection, completion or preservation of a house of public worship and parsonage connected therewith, and *Provided, further*, That the annual income of any property so held and owned by said society shall not exceed ten thousand dollars.

§ 2. The corporate concerns of said corporation shall

CHAPTER 194.

Board of Trustees.

be managed by a board of three trustees, a majority of whom shall constitute a quorum for the transaction of business. They shall be elected at the first annual meeting held in pursuance herewith and shall hold their office except as herein provided for the period of three years. Immediately after their first election they shall decide by lot upon the length of their respective terms and the office of the one who shall draw the short term shall expire in one year, the middle term in two years, and the long term in three years, to the end that one trustee shall be chosen annually thereafter. They may have a common seal and may alter the same at pleasure, and may take into their custody and possession all the temporalities of the society whether the same consist of real or personal estate, and whether given, granted or devised directly or indirectly to such society or to any other person or persons for their use. They shall have power to call special meetings and generally to do and perform all such acts and duties as shall be designated in the by-laws, not inconsistent with the provisions of this act.

First board—term of office.

§ 3. The persons named in this act shall be the first board of trustees and shall hold their office for the term of one year from the first Monday of November, 1858, or until the first annual meeting of the society, and any secretary, treasurer, or other officer which the society may have elected previously to the passage of this act, is hereby confirmed in office, the same to hold to the intention of the said society until such annual meeting.

Powers of society.

§ 4. The society at any regular meeting thereof, may adopt such consitution, by-laws and regulations for the management of their temporal concerns, not inconsistent with any law of this state, as they may see fit, and may enforce the same. They shall have power to construct one or more houses of worship, and parsonages, and to alter, repair, and reconstruct any church edifice or parsonage now erected or in process of erection, to order and regulate the sale or renting of the pews, and provide for their forfeiture and reversion to said society in case of the non.payment of any instalment of purchase money, rent or assessment levied in pursuance of any by-law of the society. Said society shall keep a full and complete record of all ordinances, by-laws, rules and regulations made by them and of the names of all members and officers, and of all their pro-

ceedings, which record shall be always free to the inspection of the members and shall be received in all courts as prima facia evidence of the facts therein stated. They shall have power to elect a secretary, treasurer and such other officers as the proper management of their affairs may require, and to prescribe their several duties.

Property not subject to taxation.

§ 5. Any house of worship, or parsonage belonging to said society and the land thereto belonging, not to exceed one half of an acre for each of said buildings, shall not be subject to taxation, except for its own improvement. And whereas, the said society has heretofore had existence as an associated body, without having been incorporated under any law of this state, and whereas, the board of trustees thereof have in their possession certain estates, moneys and effects belonging thereto, it is hereby enacted that all the estate, property and goods, real and personal formerly belonging to such unincorporated society and not lawfully disposed of shall vest in the society hereby incorporated, to be held, and owned or freely disposed of by them as they may hereafter determine.

§ 6. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 195.

AN ACT for relief of Ira Mead.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Governor to execute patent.

SECTION 1. The Governor is hereby authorized to execute in due form a patent conveying in fee to Ira Mead all the right, title and interest of State of Wisconsin in and to the southeast quarter of section thirty (30), town twenty-seven (27) north, of range nine (9) west, upon payment by said Ira Mead, of one dollar and a quarter per acre for said land, and the usual fee in such cases.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1859.

CHAPTER 196.

AN ACT for the relief of Sidney L. Wait, Levi R. Brundige, William Shapley, and Nathan B. Langdon.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to issue certificates of sale.

SECTION 1. The commissioners of school and university lands are hereby authorized and required, upon the terms and conditions hereinafter mentioned, to issue to Sidney L. Wait, Levi R. Brundige, William Shapley and Nathan B. Langdon, certificates of sale for the south half of sections number twenty-one and twenty-eight, in township numbered sixteen, north of range numbered eighteen east, in Fond du Lac county, according to their respective pre-emption rights as established by legal proofs. Said lands shall be so sold at a price equal to the appraised value thereof, as made and returned in the year 1856 by appraisers appointed for that purpose, and said certificates of sale shall be issued upon the terms and conditions provided by law for the sale of school and university lands. *Provided*, That application be made for the same and all other legal conditions of sale be complied with on the part of either of the persons above named for their respective rights, previous to the first day of June next.

§ 2. This act shall take effect from and after its passage.

Approved March 17, 1859.

CHAPTER 197.

AN ACT to incorporate the City of Buffalo.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

Incorporated.

SECTION 1. All that district of country in the county of Buffalo, hereinafter described, from and after the first Monday in March next, shall be a city, by the name of Buffalo City; and the people now inhabiting,

and those who shall inhabit said district, shall be a municipal corporation, by the name of the city of Buffalo City, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall have and possess the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with; of sueing and being sued; pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Boundaries.

§ 2. All that section of country in towns No. twenty, range twelve and section six, described as follows: Lots No. 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, and the west half of the south-east qr., the north-east qr. of the south-west qr., lots No. 3 and 10, in section No. 5, lots No. 1, 2, 3, 4 and 5, and the east half of the north-east qr., in section No. 7, the west half of the south-west qr., and west half of the north-west qr. of section No. 8, lots No. 1, 2, 3, 4 and 5, the north-east qr. of the north-west qr., the south-west qr. of the north-east qr., and the south-east qr., all in section No. 17, lots No. 1, 2 and 3, in section 18, all in township No. 20 north, of range No. 12 west, and the north-east fractional quarter of section No. 1, township No. 20 north, of range No. 13 west, shall constitute the city of Buffalo City.

Wards.

§ 3. The city of Buffalo City shall be divided into two wards as follows, to wit: Lots number 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, and the west half of the south-east quarter, the north-east quarter of the south-west qr., all in section number six (6); lots number 3 and 10, in section number five (5), shall constitute the first ward of said city. Lots number 1, 2, 3, 4 and 5, and the east half of the north-east qr., in section number seven (7), the west half of the south-west quarter, and west half of the north-west quarter of section number eight (8); lots number 1, 2, 3, 4 and 5, the north-east quarter of the north-west quarter, the south-west quarter of the north-east quarter, and the south-east qr., all in section number 17; lots No. 1, 2 and 3, in section 18, all in township No. 20 north, of range No. 12 west, and the north-east fractional quarter of section number 1, in township No. 20 north, of range No. 13 west, shall constitute the second ward of said city.

Corporate authority.

§ 4. The corporate authority of said city shall be invested in one principal officer, styled the mayor, in

CHAPTER 197. one board of aldermen, consisting of three members from each ward, who, with the mayor, shall be denominated a city council, together with such other officers as are hereinafter mentioned or may be created under this act.

CHAPTER II.

ELECTIONS.

Elective officers —term of office, &c.

SECTION 1. The elective officers of said city shall be a mayor, a marshall, a treasurer, a police justice for the city at large, and three aldermen, one justice of the peace, one assessor and one constable for each ward, which said officers shall hold their respective offices as follows: The mayor, marshall, treasurer, assessor and constable, and two aldermen in each ward, for one year; one alderman in each ward, police justice, and justices of the peace for two years; the term of offices shall commence on the first Monday in April next after their election. Each of said officers shall continue in office for his respective term, and until his successor is elected and qualified, and shall have such powers and perform such duties as are prescribed in this act, or as may be prescribed in any ordinance of said city, not inconsistent with this act, or which may not be incompatible with the nature of their respective offices.

Election of officers.

§ 2. On the first Monday of June next the qualifie voters of said city shall elect one mayor, one treasurer, one police justice, and one marshal, which said officers shall be qualified voters, resident in said city, and on the same day, at the same place of holding said election, the said qualified electors shall also elect three aldermen, one justice of the peace, one constable and one assessor for each ward. The aforesaid officers shall be residents of the respective wards for which they are elected. Three persons, or a majority of the present board of supervisors of the town of Belvidere, shall designate the place of holding the first election in each ward, by posting at least three notices in conspicuous places in each ward, at least two weeks before the said election, and at each election the voters present shall have power to proceed by nomination and *viva voce* election of three inspectors and two clerks, whose duties shall be, (after being sworn by any officer competent to administer an oath by the laws of this state), to see that said election shall be conducted in accordance with existing laws of the State of Wisconsin, and any

fraud or violation of said laws at said election, shall be punishable as any violation of the election laws, in any part of said state; and at every subsequent first Monday in June elections shall be held in the several wards for the officers above designated, and said elections shall be presided over by the aldermen in the respective wards, or in case of their absence or disability to attend, the voters present at the hour of opening the polls, shall elect, by *viva voce*, a sufficient number of inspectors to make three, with the aldermen present, who shall be sworn in accordance with the laws of the state; they shall appoint and swear two clerks, and shall see the names of the voters registered and the ballots safely deposited in the ballot box, shall decide all questions that may arise as to the legality of the votes presented, shall count the ballots at the close of the polls, and shall certify and seal two returns, and the day following the election, shall direct and return one of the said returns to the clerk of the city council, the other to the clerk of the circuit court of the county of Buffalo. The mayor of the city, and such members of the common council as shall hold over, shall constitute a board of canvassers, who shall, within five days after election, meet at the common council chamber and canvass such returns, and after the aforesaid returns have been canvassed by said board, the mayor shall notify, by certificate, the persons elected to the respective offices. The returns of the first election shall be made to the persons constituting the present board of supervisors of the town of Belvidere, and they, or any two of them, shall canvass said votes and shall certify to and notify the officers elected. The polls shall be kept open in the respective wards from nine o'clock in the forenoon, until five o'clock in the afternoon.

Violations of election laws.

Board of Canvassers—return of first election.

§ 3. In the event of a vacancy in the office of mayor, by death, removal, or disability, the common council shall order a new election and shall give not less than five days' notice thereof. Any vacancy in either offices shall be filled by the common council. The person appointed or elected to fill a vacancy shall hold his office and discharge the duties thereof, for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Vacancies in office.

§ 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election.

All elections shall be by ballot.

CHAPTER 197. All elections by the common council may be *viva voce*. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such a manner as they may direct.

§ 5. All persons entitled to vote for state or county officers, and who shall reside within the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created.

Illegal voting, oath, &c.

§ 6. If either of the inspectors of elections, or aldermen, shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspector, or alderman, before receiving any such vote, shall require the voter offering, to take the following oath: "You do solemnly swear, (or affirm, as the case may be), that you are twenty-one years of age, that you are a citizen of the United States, or have declared your intentions to become a citizen conformably to the laws of the United States on the subject of naturalization; that you have resided in this state one year, and now reside in this ward, and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election;" and if the person offering to vote shall take such oath, his vote shall be received, and if such person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter, shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to indictment, and, on conviction thereof, shall forfeit and pay a sum, not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of inspectors to keep a list of the names of all persons whose votes may be challenged, as aforesaid, and shall swear in their votes. And if any inspector or alderman shall knowingly or corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or any clerk shall not write down the name of every voter as he votes, or shall

wilfully make untrue and incorrect count and tallies of votes, each and every inspector or clerk shall be liable to indictment, and, on conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars; all such indictments shall be tried in the circuit court of the county of Buffalo.

Special elections.

§ 7. Special elections to fill vacancies or for any other purposes shall be held and conducted by the aldermen of each ward, or inspectors, as provided by this act, and returns thereof shall be make in the same time, form and manner as of general or annual elections.

Officers to be elected at first election.

§ 8. There shall be elected at the first election under this act, one alderman in each ward, who shall hold his office for two years, and two aldermen who shall hold office for one year, and at every annual election thereafter, one alderman in each ward who shall hold his office for two years, and two alderman who shall hold their office for one year. The alderman having the highest number of votes in each ward shall be alderman for two years.

Officers removing from city or ward.

§ 9. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify on or before the first Monday of April next after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as hereinafter provided. All officers appointed or elected to fill any vacancy, shall enter upon the duties of such offices immediately after receiving notices of such election or appointment.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

Oath of office and bond.

SECTION 1. Every person elected or appointed to fill any vacancy under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the city clerk; and the treasurer, marshal, constables, policemen, justice, and justices of the peace and such other officers as the common council may direct, shall severally, before they enter upon the discharge of their respective offices, execute to the city of Buffalo City, a bond in such sums, and with such security and such conditions as the common council may

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direct. And the common council may, from time to require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Mayor shall preside over meetings of Council.

§ 2. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the State and the ordinances of the city within the corporation are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall communicate in writing to the common council, once a year, such information as the common council may require, and shall communicate once a year such information as he may deem necessary.

Election of President—his duties, &c.

§ 3. At the first meeting of the common council each year, or as soon thereafter as may be, they shall proceed to elect, by ballot, one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability, from any cause, to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of mayor. In case the mayor and president shall be absent from any meetings of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of mayor. The president or temporary presiding officer, shall, while presiding over the council or performing the duties of mayor, be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor.

City Clerk—powers and duties.

§ 4. The common council shall elect a city clerk; he shall keep the corporate seal and all the papers and records of the city; he shall attend the meetings and keep a record of the proceedings of the common council. The records of the common council kept by him shall be evidence of all legal proceedings, and copies of all papers filed in his office, and transcripts from the records certified by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced. He shall keep a full and accurate account of all orders drawn on the city treasury in a book procured for that purpose, and shall also keep an accurate account with the treasurer, and charge him with all tax lists delivered to him for collection, and all sums of money paid into the State treasury. When-

ever the clerk shall be absent from any meeting, the city council may appoint a clerk pro tem. The city clerk shall power and authority to administer oaths and affirmations.

City Attorney.

§ 5. The city attorney shall perform all professional services incident to the office, as prescribed by ordinances, and when required shall furnish written opinions to the common council or its committees.

Treasurer.

§ 6. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as required, and annually, at least ten days before the annual election, a full and detailed account of all the receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which statement shall be filed with the clerk.

City Marshal.

§ 7. The marshal shall perform such duties as shall be prescribed by ordinance for the preservation of the public peace, and the collection of fines and license money. He shall possess the power of constable at common law, or by the laws of this State, and receive like fees, but shall not serve civil process in any case unless the city is a party.

Further duties of officers, compensation, &c.

§ 8. The common council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix the compensation of all officers elected or appointed by them. Such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

All printing to be let by contract.

§ 9. The common council shall annually provide that all printing authorized and required by them to be done for their use for the city, shall be let by contract to the lowest bidder for the term of one year. All ordinances and other proceedings required by this act or by the by-laws or ordinances of the common council to be published, shall be published in the newspaper selected under the provisions of this section, and the printer of said newspaper shall, either in person or by his foreman, file with the clerk of the city his or their

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affidavits of the length of time of said ordinance, by-law, or proceedings have been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, proceeding or by-law.

Books, papers, &c., to be delivered to successor.

§ 10. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, moneys, books, papers and effects of every description in his possession belonging to said city or pertaining to the office, he may have held, he shall forfeit and pay to the city for its use one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this State.

Officers of the peace.

§ 11. The mayor, sheriff of Buffalo county aforesaid, each every alderman, justice of the peace, marshal, constable and watchman shall be officers of the peace, and suppress, in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if need be all citizens and military companies, and if any person, by-stander, military officer or private shall refuse to aid in maintaining the peace when required, every such person shall forfeit and pay a fine of fifty dollars; and in case when the civil power may be required to suppress riot or disorderly behavior, the superior or senior officer present, in the order mentioned in this section shall direct the proceedings.

Jurisdiction of Justices of the Peace.

§ 12. The police justice shall have and possess all the authority, power and rights of the justice of the peace in civil proceedings, and shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city, and shall have exclusive jurisdiction in all cases to which the city shall be a party, and shall have the same power and authority in cases of contempt as a court of record: *Provided*, That nothing herein contained shall be deemed to direct the judges of the circuit or county courts of their authority as conservators of the public peace, nor to effect in any manner the powers of jurisdiction of the circuit court or county court of Buffalo county. The police justice shall be entitled to receive for his service the same compensation in fees as is allowed by law to justices of the peace

Compensation.

for similar services, and no other; but the city shall not be liable to said police justice for his said fees, except such as shall accrue in prosecutions for the violation of the charter or ordinance of the city, wherein the offender shall have been discharged from imprisonment or custody by the common council. In case of absence, sickness or other inability of the police justice, the mayor, by warrant, may authorize any justice of the peace within said city to perform the duties of police justice, and it shall thereupon be the duty of the mayor to inform the city attorney and marshal of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment; and the justice so appointed shall, for the time being, possess all the authorities, powers and rights of police justice. Appeals and writs of certiorari may be taken from the police justice in same manner as from the justice of the peace.

Report of Police Justice.

§ 13. The police justice shall quarterly report to the common council a list of all proceedings instituted before him in behalf of the city, and the deposition thereof, and shall, at the same time, account and pay over to the treasurer the amount of all penalties and fines collected which may by law accrue to the city. The city shall not be liable or pay any costs for violations of any law of this State.

City Surveyor duties, fees, &c.

§ 14. The common council shall elect a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe the duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city, shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested; and the same, together with all books and papers appertaining to said office, shall be delivered to his successor or the common council, at the expiration of his term of office.

CHAPTER IV.

THE COMMON COUNCIL—ITS POWERS AND DUTIES.

Style of ordinances.

SECTION 1. The mayor and alderman shall constitute the common council, and the style of all ordinances shall be "the common council of the city of Buffalo

CHAPTER 197. City do ordain, &c." The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Meetings of Council.

§ 2. The common council shall hold stated meetings and the mayor may call special meetings by notice to each of the members, to be served personally or left at their usual places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualifications of its own members, and have power to compel the attendance of absent members.

Finances of the city.

§ 3. The common council shall have control and management of the finances and of all property of the city, and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppresion of vice and immorality, for the prevention of crime and for the benefit of trade, commerce and health as they shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules,and by-laws are hereby declared to be and have the force of law: *Provided*, That they be not repugnant to the constitution of the United States and of this State, and for these purposes shall have authority by ordinances, resolutions or by-laws.

Licenses.

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement of and removal of all nuisances under the ordinances, or at common law, and to grant licenses for selling spirituous, vinous, or fermented liquors, and to regulate groceries, taverns, victualling houses, and the persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; *Provided*, That the sum to be paid for any such license shall not be less than the amount fixed and provided by the law of this State, and that no license shall be granted for a less time than one year. And *Provided*, farther, That no person thus licensed shall sell or give away spirituous, fermented or vinous liquors on election days.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards or dice or other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council. To restrain gambling, &c.

3d. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame and to authorize the destruction of all instruments used for the purposes of gaming.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city. Public health.

5th. To direct the location and management of slaughter houses and markets, and to prevent the erection of, use and occupation of the same, when the offal or filth therefrom shall discharge into the waters of the lakes, ponds, or sloughs, and to establish rates for, and license venders of gun powder, and regulate the storage, keeping and conveying of the same or other combustible materials. Markets, &c.

6th. To prevent the encumbering of the streets, side walks, lanes, alleys, with carriages, sleighs, boxes, lumber, fire-wood or any other materials or substances whatever.

7th. To prevent horse racing, immoderate driving, or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city. Bathing.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the destraining, impounding and sale of the same. Stray cattle, &c.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance.

10th. To prevent persons from bringing, depositing or having within said city, any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, Nuisances.

CHAPTER 197. pork, fish, hides or skins of any kind, or on default, to authorize the removal thereof by some competent officers at the expense of such person or persons.

Water works, &c. 11. To establish and make public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants—of the city—to regulate and license hacks, cabs, drays, [carts,] and the charges of hackmen, cabmen, draymen, and cartmen in the city and to erect lamps, for lighting the streets, public grounds and public buildings with gas or otherwise.

Board of health 12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality; and to exempt burial grounds set apart for public use from taxation.

Weights and measures. 13th. To establish the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

14th. To prevent all persons from riding or driving any horse, mule, or any other animal, on the side walks in said city, or in any way doing any damage to said side walks.

Fire works. 15th. To prevent shooting of fire arms or crackers, and to prevent the exhibition of fire works in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof.

Intemperance. 16th. To restrain drunkards, immoderate drinking, or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

17th. To restrain and regulate runners and solicitors for boats, vessels, stages, cars, public houses and other establishments.

18th. To make rules and ordinances for the government of the police of the city.

Public markets. 19th. To establish public markets and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets, and to punish and restrain all persons for interrupting with the due observance of such rules and regulations, to regulate and license butchers' stalls, shops and stands, for the sale of game, poultry, meats, fish and other provisions.

20th. To regulate the place and manner of weighing

hay and selling the same, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

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Weights and measures.

31st. To compel owners of buildings, or grounds, or the occupants, when the same are occupied, to remove, snow, dirt or rubbish from the side walks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in default to authorize the removal or destruction of the objectionable substances by some officer of the city, at the expense of such owner or occupant.

Removal of dirt, &c., from walks.

22d. To regulate, prevent and control the landing of persons from boats, cars, and stages, wherein any contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.

Contagious diseases.

23d. To regulate the time, place and manner of holding public auctions and vendues.

Auctions.

24th. To appoint watchmen and regulate their duties.

25th. To provide by ordinance by ordinance for a standard of weights and measures, and for the punishment of false weights and measurrs.

Weights and measures.

26th. To provide for the appointment of a city attorney and prescribe his duties.

27th. The common council shall have full power and authority to subscribe, take, hold and pay for stocks in, or loan the credit (by loaning or lending its corporate bonds) of the city to any railroad company, whose road has a terminus or depot station in the city of Buffalo City, to the extent of ten thousand dollars; *Provided*, That not more than five thousand dollars to be subscribed or loaned to any one road; and the ordinance subscribing or loaning this or any other amount of money shall be submitted to a vote of the citizens, at any regular or special election called for that purpose. The election shall be conducted as all other elections prescribed in this act, and the ballots shall be written or printed "for subscription," or "for loan," or "against subscription," or "against loan," as the case may be, designating by name the road designated. If a majority of the people voting shall, by affirmative vote, sanction the subscription or loan, it shall have full force and effect otherwise shall be null and void. If any such

Power to take stock in R. R. Co.

 "loan" or "subscription" shall be ordered and voted, it shall be the duty of the mayor to issue and deliver bonds, in usual form of city bonds, bearing a rate of interest, not greater than ten, nor less than six per cent. per annum, payable in such place as shall be prescribed in the ordinance ordering such election, with coupon interest warrants attached, and payable to such person or officer, or bearer as shall be designated in said ordinance. The ordinance may prescribe the nature and extent of security (if any) to be required of such rail road company for the faithful application of the avails of such bonds or the repayment and surrender, and the place and manner of its application, and the common council may allow such change or modification of such security as it may deem proper. Such bonds may be issued in full payment for such subscription, or loan of credit, having not more than twenty nor less than five years to run; and shall be signed by the mayor, and countersigned by the city clerk, and sealed with the corporate seal of said city. The coupon interest warrants shall be in usual form, and not under seal, and may be signed by the mayor only. The payment of such bonds shall be punctually and faithfully provided for; and the said city shall forever stand legally and faithfully holden for their punctual payment and redemption.

Construction of piers.

28th. To regulate the construction of piers, docks, wharves, of levees extending into the Mississippi river within the limits of said city, and to prescribe and control the prices to be charged for pierage, dockage or wharfage thereon.

29th. To alter or change the name of any street in the city.

30th. To lay out, make, open, keep in repair, alter or continue any highways, streets, lanes, alleys and side walks and bridges, and to keep them free from incumrance and to protect them from injury.

Shade trees.

31st. The common council shall have power to require the owner of any lot or grounds in the city, to set out shade or ornamental trees in the street or streets fronting the same, and in default thereof to cause the same to be done and to levy a special tax upon such lot or grounds to pay the expense of the same.

Jurisdiction of lakes, &c.

32d. The common council shall have jurisdiction over the entire lakes, sloughs and water courses bordering on the city, or running through the same, so as to

prevent any deterioration of the waters, or any nuisance being cast therein, by which the health of the inhabitants of the city, or the purity of the waters shall be impaired, and may also prohibit the taking of fish in the waters thereof, or outlet between the same during the months of May, June and July of each year, and shall have power to dredge or alter any slough within the limits of the city.

Passage and publication of laws, &c.

§ 4. All laws, ordinances, regulations, resolutions and by-laws, shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in a paper or papers, both selected by the common council, before the same shall be in force; and within fifteen days thereafter, they shall be recorded by the city clerk in books provided for that purpose, but before any of the said laws, ordinances, regulations or by-laws, shall be recorded, the publication thereof respectively within the same time shall be proved by the affidavit of the foreman or publisher of each newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

Public nuisances.

§ 5. The power conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required thereof, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept, at any one time, are hereby declared, and shall be deemed public or common nuisances.

Accounts of Clerk, Treasurer, &c.

§ 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioners of each ward, marshall, and all other officers and agents of the city, at such times as they may deem proper, also at the end of each year, and before the term for which the officers of the said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officers or agents shall refuse to comply with the orders of the council in the discharge of their said duties, in pur-

CHAPTER 197. suance of this section, or shall neglect or refuse to render his account or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and proceedings at law against any officer or agent of said city, who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

CHAPTER V.

OPENING OF STREETS, &C.

Public squares, grounds, &c.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, as follows: Whenever ten or more freeholders residing in any ward, shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for public use, for the purpose of laying out public squares, grounds, streets, or alleys, or the enlarging and widening the same, the courses and distances, metes and bounds of the lands proposed to be taken together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such land, if any their be, or if a portion of such land shall not be in the actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official paper for four weeks, at least once in each week.

Application for appointment of jurors.

§ 2. Such notice shall state that, on a certain date therein to be named, not less than ten days from the service of such notice, or the expiration of such publications, as the case may be, application will be made to the judge of the circuit or county court of Buffalo county, for the appointment of twelve jurors, to view said premises, and to determine whether it will be necessary or expedient to take the same for the purposes specified in said petition.

Power of Judge

§ 3. Upon the presentation of such application and upon proof of the publication or service of the notice hereinbefore required, the said judge shall thereupon appoint twelve reputable freeholders, residents of the

city, but not residents of the ward in which said premises may lie, not interested in such application. The said judge shall thereupon issue his precept, directed to said jurors, requiring them, within thirty days, to view said premises, to be specified in said precept, and to make returns under their hands to the common council, whether in their judgment it is necessary to take said premises for the purposes specified in such application.

Jurors disqualified.

§ 4. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be endorsed in the precept.

Jurors shall view premises, and hear testimony.

§ 5. The said jurors at such times as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any person interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Report of jurors.

§ 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and shall state whether in their judgment it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited therein.

Confirmation of report.

§ 7. Should the jurors report that it is necessary to take such premises, the common council shall enter an order among their proceedings confirming said report and directing the same jurors, within one month thereafter, or such further time as may deemed proper, to again view said premises, for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and, also, what lands or premises will be benefited by such taking, and to assess and return within the time limited such damages and benefits to the common council.

Value of buildings.

§ 8. If there should be any building standing, whole or in part, upon the lands to be taken, the jurors, before proceeding to make their assessments, shall first estimate and determine the whole value of each building to the owner, aside from the value of the land, and

CHAPTER 197. the injury to him in having said building taken from him; and, secondly, the value of such building to him to remove.

Award of jurors.

§ 9. At least ten days previous notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode; if not known, or a nonresident, notice to all persons interested shall be given by publication in the official paper, three successive weeks, such notice shall specify the building and the award of the jurors. It shall also require the parties interested to appear by a day to be therein named, or give notice of their election to the common council, either to accept the award of the jurors, and allow such building to be taken with the land appropriated, or of their intent to remove said building at the value thereon set by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council may allow.

Ibid.

§ 10. If the owner refuses to take the building at the value to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of said building at public auction, (for cash), giving ten days' notice of such sale. The proceeds shall be paid to the owner, or deposited to his use.

Valuation of real estate proposed to be taken.

§ 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such other premises as will in their judgment be injured or benefited thereby; after hearing such testimony as may be offered by any parties interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken, and the injury arising to them respectively, in consequence of the taking thereof, which shall be awarded to such owners respectively, as damages after making due allowance thereform for any benefit which such owners may respectively derive from such improvements. In the estimate of damages to the land, the jurors shall include the value of the building or buildings, (if the property of the owner of such lands), as estimated by the owner aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove in such case they shall only include the difference between

such value and the whole estimated value of such building or buildings. CHAPTER 197.

§ 12. If the damage to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the jurors shall strike a ballance and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only shall in any case be collected by them and payable to them. Damages and benefits.

§ 13. If the lands or buildings belong to several persons, or if the lands be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such person or interests respectively, may be awarded to them by the jurors less the benefits resulting to them respectively from the proposed improvement.

§ 14. Having ascertained the damages and expense of the proposed improvement, as aforesaid, the jurors shall thereupon apportion and assess the same, together with the cost of the proceedings upon the real estate by them deemed benefited, in proportion to the benefits resulting from the proposed improvement, as nearly as may be, and shall describe the real estate upon which the assessments may be made. The award of such jurors shall be signed by them and returned, together with the testimony taken, to the common council, within the time limited in their order of appointment. Assessment for improvement.

§ 15. The land required to be taken for the purpose mentioned in this act shall not be appropriated until the damages awarded therefor to the owner thereof, shall be paid or tendered to the owner or his agent, or in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit, in some safe place of deposit, and then, and not before, such lands may be taken and appropriated for the purpose required, and the same shall thereafter be subject to all laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened and laid out. When land may be taken.

§ 16. When the whole of any lot or tract of land, or other premises under lease or under contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tennant, or any other contracting parties touching the same, or any part thereof, shall upon the confirmation of such report, respectively cease and be absolutely discharged. Land under lease.

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Ibid.

§ 17. When only a part of a lot or tract of land, or other premises so under lease or contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for in respect to the same.

Damages to be paid within six months.

§ 18. The damages assessed shall be paid or tendered, or deposited, as herein required, within six months from the confirmation of such assessments and reports, and if not so paid, tendered and deposited, all the proceedings in any such case shall be void. The benefits so assessed, from the confirmation of such report, shall become and remain a lien upon the premises so determined by the opening or widening of such street, alley or public ground.

Appointment of guardians.

§ 19. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant, or labor under legal disability, the judge of the circuit court of the county of Buffalo, or in his absence, the judge of any court of record in said county, may, upon the application of the common council, or such party, or his next friend appoint a guardian for such party; and all notices required by this act shall be served on such guardian.

Juror shall take an oath.

§ 20. After the jurors shall have made their report, as to the necessity of taking any lands under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve; and the jurors, before entering on the discharge of their duties, shall severally take an oath, before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trusts reposed in them.

Appeals.

§ 21. Any person whose property is taken, or against whom an assessment is made, may, within ten days from the return of said jurors to the common council, appeal from said assessment of damages or benefits, to the circuit court of Buffalo county, where such appeal

shall be tried by the court and jury, as in ordinary cases. The common council shall have the same right to appeal.

Surveys.

§ 23. [22.] Whenever any public ground, street or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city surveyor.

CHAPTER VI.

IMPROVEMENT OF STREETS.

Survey and grade of streets

§ 1. The common council shall cause a survey of all streets to be made, and the grade thereof established, and an accurate and perfect map and profile of the same made and deposited with the clerk of said city, with suitable field notes and explanations thereof, to enable the same to be fully understood, which grade shall be strictly complied with, (unless altered and modified as hereinafter provided), in the opening and grading of all streets, and in the erection of all bridges, slucies, water courses and drains, and in constructing all sidewalks, platforms, crosswalks and alley ways.

Application for change of grade

§ 2. Upon application in writing of the resident owners of three fourths of the lots upon any street, or upon that part of any street in which the grade is proposed to be changed, the common council shall have power to alter such grade or establish a new one in such street or part of street set out in such application, as the public good may seem to require.

Right of action against city.

§ 3. Any person not being a signer of such application, who shall complain to have sustained damages by such change of grade, shall have his right of action against the city for the recovery of the same: *Provided*, That no suit shall be brought against the city for the recovery of such damages until application shall have been made to the city council, and said council shall have refused or neglected for three months to settle the same, the signing of such application shall be taken and construed as a release of all claims for damages of every such signer.

Street Commissioner.

§ 4. The senior alderman in office of the several wards, shall be street commissioner of his respective ward, and as such, shall have power to require every resident of his ward, liable to work on the highways by the laws of this State, to perform one day's labor in

CHAPTER 197. each year, on the streets in such ward; and in case any such person shall neglect or refuse to perform such labor, at such time and place as such commissioner shall direct, to assess, sue for and collect of every such person one dollar in lieu thereof, which shall be expended in improving the streets of his respective ward by such commissioner.

Ib.—powers and duties.

§ 5. It shall be the duty of the street commissioner to see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, water courses, within their respective wards are duly observed and kept, and direct and control the persons employed therein. The street commissioner shall have a general supervision over all work let by contract for the improvement of streets or sidewalks in their respective wards, unles the common council shall otherwise provide. Each street commissioner shall annually report to the common council a correct statement of all moneys by him collected under the provisions of the fourth section of this chapter, and the manner of expending the same.

Construction of sidewalks.

§ 6. Sidewalks shall be constructed upon the proper and established grade of any street in said city, of such width, in such manner, of such materials, and in such time as the common council by the ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, the common council may cause the same to be constructed at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city, for at least ten days, of the time, place, and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same: *Provided*, That no such contract shall be let until sixty day's notice shall have been given to such owner or owners of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same at least ten days in the official paper of the city.

Contracts to be let to lowest bidder.

§ 7. All moneys expended by the common council

in the improvement of streets, (sidewalks excepted), shall be expended upon the streets (in the streets), in the several wards in proportion to the relative value of taxable property assessed in the several wards, unless the common council shall otherwise unanimously direct. CHAPTER 197.

CHAPTER VII.

FINANCES AND TAXATION.

SECTION 1. All funds in the city treasury, except school, State and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor, countersigned by the clerk, duly authorized by the common council, and in no other way. Funds in treasury.

§ 2. All orders drawn upon the treasury shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city, and all such orders shall be received in payment of any debt or demand due to, or tax or assessment levied by authority of, the city, except taxes levied for school purposes. Treasury orders.

§ 3. No debt shall be contracted against the city, or order drawn upon the city treasury, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered by ayes and nays upon the journal of the council; and no money be appropriated for any purpose whatever except such as is expresslly authorized by this act. Liabilities.

§ 4. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys accruing for licenses shall be paid into the city treasury and become a part of the general fund, except as otherwise provided in this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of all the aldermen elect. General fund.

§ 5. All property, real or personal, within the city, except such as may be exempt by the laws of this State, shall be subject to annual taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessors elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except as far as they may be altered by this act: Support of city government.

CHAPTER 197. *Provided*, however, That the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or perfecting such rolls as they may, from time to time, deem advisable.

Assessors shall meet and make out assessment roll.

§ 6. On or before the third Monday of June in each year, the assessors shall meet at the common council chamber and shall organize by electing one of their number chairman, who shall be authorized to administer such oaths as shall be necessary in the discharge of his duties as assessor, and on or before the first day of June of each year, the said assessors shall make out an accurate and complete assessment roll, which shall contain a description, as near as may be, of all lands, lots, or parcels of land within the city, sufficient to identify the same, and also of all persons or bodies politic liable to pay taxes on personal property, and opposite to each lot or parcel of land, shall be affixed the value thereof, and opposite to the name of each person or body politic, shall be affixed the value of personal property assessed to each. Where there are buildings on any lot or tract of land, the value of the same shall be set forth separately, when so desired by the owners thereof. The assessors may assess any lot or tract of land in such parcels as they may deem proper, but it shall be necessary to enter the name of the owner opposite to any tract, lot, or parcel of land. Any act done by a majority of the assessors elected under this act, shall have the same force and effect as if done by all the assessors elected. The assessment shall be certified by the chairman or a majority of the assessors, and such certificate shall be conclusive evidence of the organization of the assessors and the election of such chairman. The assessment roll shall be made out by wards, and show the taxable property, both real and personal, of each ward separately.

Grievances.

§ 7. On the first and second Monday of July, and at such other times as they may appoint, the assessors shall meet at the common council chamber for the purpose of hearing any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same, shall make such alteration as justice and equity may require.

Assessment roll.

§ 8. On or before the first day of September in each year, the assessors shall return their assessment roll to

the common council by depositing the same with the clerk. The common council may supply omissions in said roll and for the purpose of equalizing the same, may alter, add to, take from, and otherwise raise and correct the same, but shall not have the power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessors.

Ibid.

§ 9. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk and an order approving the same shall be entered in the proceedings of the common council. On the first Monday of July in each year, or within ten days thereafter, the common council shall determine the amount of taxes to be levied for general city purposes, and also to be levied for school purposes, and shall by resolution levy the same, but no such resolution shall be adopted except by a vote of two-thirds of the members elect, which shall appear in the proceedings of the common council.

Taxes.

§ 10. All taxes or assessments, general or special, levied under this act shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic assessed, for personal taxes from the date of the warrant for the collection thereof, until such taxes shall be paid, and no sales or transfers of such real or personal property shall effect such lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property.

Clerk.

§ 11. Before the annual meeting of the board of supervisors of Buffalo county, and by the time required by the laws of this state for the return of assessments from the several towns, the city clerk shall transmit a copy of the assessment roll to the clerk of the board of supervisors of said county, who shall lay the same before the said board at their annual meeting.

Equalizing assessment roll.

§ 12. The board of supervisors shall have the right to regard the city of Buffalo City as a town, in equalizing the assessment rolls of the several towns in said county as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll and shall not change the relative valuation of the different wards.

Levy of tax.

§ 13. The said board of supervisors may levy a tax

CHAPTER 197. or taxes as now is or may be provided by law hereafter in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city or city clerk, in the manner provided by law, in relation to town or town clerks and in all transactions of the board of supervisors of said county, said city shall be regarded as a town except as herein otherwise provided.

Statement of amount of tax levied.

§ 14. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes, of any previous years, and all special taxes levied by the common council, since the making out of the last annual tax list, in such separate colums as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein which statement shall be called "The Tax List of the city of Buffalo City" and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

Tax list.

§ 15. The tax list made out and preserved as aforesaid, shall be prima facia evidence in every court of record in this, that every act or thing required by law to be done, relating to assessing or levying taxes, from the election of officers to the completion of the tax list inclusive, has been done, regular and correct as required by law.

Ib.—duplicate copy to be made out.

§ 16. Immediately after making out the tax list as aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and said clerk shall, on, or, before the 25th day of November, of the same year or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of such delivery on the tax list preserved in his office.

Ib.—Treasurer's duty.

§ 17. The city treasurer, upon receipt of such duplicate copy of tax list, shall proceed to collect the same

in like manner, and shall have like powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive two per cent. fees upon all taxes paid to him before the first day of January, and five per cent. fees upon all taxes paid or collected after that time, to be added to the amount of taxes, and collected with the same; and two per cent. upon all other monies paid into the treasury, which shall be in full for services performed by said treasurer, under this act, or the ordinances of the city.

Further duties of Treasurer.

§ 18. On or before the fifteenth day of February of each year, the said treasurer shall make out and return to the treasurer of Buffalo county, a list of all lands and lots upon which the taxes have not been paid, and shall also settle with and pay over all monies properly payable to said county treasurer, in like manner as now is, or may hereafter be require of town treasurers. The said treasurer shall also, by the same time, make out and deliver to the city clerk, a list of all delinquent personal property taxes for the same year. The county treasurer shall add the same interest, penalties, or fees, to such delinquent returns as are allowed or required by law upon delinquent returns from the several towns.

Sale of delinquent lands.

§ 19. The county treasurer shall sell all delinquent lands and lots returned from the city of Buffalo City at the same time and in the same manner as other delinquent lands are sold in said county.

Taxation.

§ 20. All real estate, exempt from taxation by the laws of this state, shall be subject to all special taxes for the building of side walks and improvements of streets in front of the same.

Farming lands within city limits.

§ 21. All lands lying within the city limits used or kept for farming purposes, and not divided and laid out into lots, or lots and blocks, and all out lots, and subdivided and numbered by such subdivision, shall be assessed at a moderate cash value by the acre, and shall not be subject to any special tax.

Errors in levying taxes.

§ 22. All the directions hereby given, except in section nine of this chapter, for the assessing of lands, and the assessing and the levying, collection and returns of taxes and assessments, shall be deemed only directory, and no error or informality in the preceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate

CHAPTER 197. or in any wise affect the validity of the tax or assessment.

CHAPTER VIII.

COMMON SCHOOLS.

Control of common schools.

SECTION 1. The common schools of the city of Buffalo City shall be under the supervision and control of the district boards of each district in the same manner as if this act had not been passed; and the same relations shall be sustained between said city and such schools as near as may be, as between a township and the schools therein, and the same reciprocal power and duties.

Superintendent of schools.

§ 2. The common council shall elect a superintendent of schools for said city, who shall have the same powers, perform the same duties, be subject to the same liabilities and obligations, receive the same compensation for his services, (and hold his office during the pleasure of the common council) as town superintendents.

CHAPTER IX.

FIRE DEPARTMENT.

Fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamaties of fire, shall have power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire proof, shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed shall be made of fire proof materials, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

Construction of chimneys, &c.

§ 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in or about any buildings and to cause the same to be removed, or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places, to require the inhabitants to provide as many fire buckets, and in such manner and times as they shall prescribe, and to regulate the use of them in time of fire, to regulate and prevent the carrying on any manufactories,

dangerous in causing or promoting fires; to compel the owners of buildings and occupants to have scuttles in the roof, and stairs or ladders leading to the same, to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

Fire apparatus and formation of companies.

§ 3. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of fifteen and fifty years, and may elect its own officers and form its own by-laws, not inconsistent with the laws of this State, or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member of each company hereby authorized to be formed, shall be exempt from highway work and poll tax, from serving on juries and from military duty during the continuance of such membership.

Chief Engineer

§ 4. There shall be a meeting of the members of said company on the third Monday in June in each year, at such place as may be designated by the mayor, when they may nominate and recommend to the common council for appointment, one chief engineer, and their three assistant engineers, and the common council shall thereupon confirm such nominations, and the person so appointed shall perform such duties as the common council shall prescribe.

Fire Wardens.

§ 5. At the same time the members of said company shall nominate, and the common council shall appoint the same two first fire wardens, one of whom shall reside in each ward, and who shall perform such duties as the common council shall prescribe; and they may at any time enter into or open any house, storehouse or other building or enclosure for the purpose of inspecting the same, and with a view to guard against fire.

§ 6. One half of the nett proceeds of all fines and

CHAPTER 197. penalties recovered for the breach of any ordinance, by-law, or regulation, made in pursuance of this chapter, shall be paid to the fire department.

Penalty for refusing to obey orders of Engineer, &c. at fire

§ 7. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor, or alderman at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the marshal, constable, watchman or other citizen, to arrest such person and confine him temporarily in any safe place until such fire be extinguished, and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

Sack Company.

§ 8. The common council shall have power to organize a sack company, which shall be known as Sack Company Number One, to consist of not more than twenty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Buffalo city, and are hereby invested with all the power and authority which now is or may be hereafter vested in a police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of all property which may be exposed or endangered, and shall, so far as it may be in their power, preserve the same from injury and destruction. Said company may, from time to time, adopt such by-laws and regulations as they may deem necessary, not inconsitent with this act and the laws of this State. The members of this company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully discharge the duties of their said

office, and when any member of said company shall cease to be a member thereof, by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk, who shall preserve a record of all the members of said company.

CHAPTER X.

MISCELLANEOUS PROVISIONS.

All work shall be let by contract.

SECTION 1. All work for the city, or either wards thereof, shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract.

Actions to recover penalties, &c.

§ 2. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of this act or by laws or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecutions may be commenced by summons or by warrant, as the exigencies of the case may require: *Provided*, That nothing herein contained shall be so construed as to prevent any police officer from arresting, without process, any person found in a state of intoxication, or guilty of immoderate drinking, improper reveling, obscenity, or noisy, boistrous or disorderly conduct in the streets or public places, and taking such persons forthwith before the police justice, or keeping them in confinement until such time as said justice can reasonably hear and dispose of such offender.

Issue of execution.

§ 3. Execution shall issue forthwith on the rendition of judgment, unless the same be staid or appealed according to the laws of this State. The execution, except in cases ex contractu, shall require the defendant in any such action, in case no goods or chattels, lands or tenements whereof the judgment can be found, to be imprisoned in the jail of Buffalo county for a term not exceeding three months, in the discretion of the justice or judge rendering judgment, unless the same be sooner paid or discharged by the common council.

In case of failure of first election.

§ 4. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhab-

CHAPTER 197. itant of said city in any proceeding or action in which he shall be a party in interest.

Elections. § 5. If any election by the people or common council shall not, for any cause, be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on any subsequent day, by order of the mayor, and in case of the failure of the first election by order of the proper persons, be done by any person or persons at any time specified, and if the same are not done and performed, such persons or officers may appoint or give notice of another time, at which such acts may be done and performed.

Judgments against city, § 6 When judgment shall be recovered against the city, or any ward thereof, or against any city or ward officers, in an action prosecuted by or against him in his name of office, where the same should be paid by the city, or any ward thereof, no execution shall be awarded or issue upon such judgment, except as herein provided, but the same, unless reversed, shall be levied and collected as other city or ward charges, and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher; but if payment thereof be not made within sixty days after the city treasurer is required to make his return of city and ward taxes next after rendition of such judgment, execution may be issued thereon upon the order of the court authorized to issue such execution, on special application therefor, nor shall any such execution be levied upon any property of any individual, nor shall such property be in any manner seized, taken, held or sold for any debt or liability of said city or ward.

Suits against city. § 7. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor; and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such other proceedings as the ordinances or resolutions of said council may provide.

City property. § 8. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof may sell and convey the same, and the same shall be free from taxation.

§ 9. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

§ 10. From and after the first Monday in June next, the connection between the town of Belvidere and that part of said town included within the city limits for all town purposes, shall be dissolved. The duties now and hereafter imposed upon supervisors and and other town officers so far as they relate to the city of Buffalo City shall be performed by the aldermen of the several wards and the other officers of said city, all that part of the town of Belvidere not included within the city limits shall constitute the town of Belvidere.

Town meetings

§ 11. The citizens of the town of Belvedere shall have power to hold all town meetings, and general or special elections at such place either in the town of Belvidere or city of Buffalo City as they may determine, in the same manner as if this act had not passed, and with like effect as if held in the new town of Belvidere.

Supervisors.

§ 12. The city of Buffalo City shall be represented in the board of supervisors of the county of Buffalo by one supervisor from each ward, and the senior alderman in office shall be the supervisor from his ward. The alderman acting as supervisors shall have power to substitute any other alderman in his ward to act in his stead.

Compensation.

§ 13. No compensation or salary shall be paid out of the city treasury to the mayor or any alderman of said city for his services, and they are hereby prohibited from from being in any manner interested in any contract made by authority of said city.

Licenses.

§ 14. Every license issued by authority of this act, or the ordinances of the city, shall be signed by the city clerk and sealed by the corporate seal, but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the same shall have been authorized by the common council and the applicant shall have filed his receipt as aforesaid, together with a bond as required by the laws of this state, which

CHAPTER 197. bonds shall be approved either by the mayor or common council, and the minimum sum fixed by the laws of this state to be paid for any such license shall be paid to the city treasurer in money, and shall be quarter-yearly paid by said treasurer to the treasurer of Buffalo county. Every such license shall contain a clause prohibiting the selling, vending or giving away of any spirituous, vinous, or malt liquors, on general or special election days.

iolations of license laws.

§ 15. Every person having such license, who shall vend, sell, or giv away, any spirituous, vinous, or malt liquors, on any election day, shall be liable to prosecution under this act, or the ordinances of the city, or may be indicted in the circuit court of Buffalo county, and, upon conviction thereof, every such offender shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars, or be imprisoned in the jail of Buffalo county not more than thirty day, nor less than ten days, at the discretion of the court, and the license held by such person shall be forfeited and void.

Suits to recover land sold for taxes.

§ 16. No suit or proceedings shall be commenced or prosecuted to recover title or possession of any lot, piece or parcel of land situated within the city limits held or claimed by virtue of any deeds purporting upon its face to be executed on account of any sale for taxes or assessmenst levied after the passage of this act, until the person commencing the suit or proceeding shall have deposited with the court in which such proceeding is or shall be commenced, for the use of the holders or claimant under such deed, an amount of money equal to the amount of taxes, costs and charges paid in procuring such deed and all subsequent taxes, costs and charges upon the lot or lands described in such deeds, and paid by such holder or claimant under such deed, except in cases when the taxes were paid before sale, or the lands redeemed according to law. In the trial of every such cause on the part of the defendant, such deed shall be first read in evidence to the jury and shall be evidence in such suit or proceeding, to the extent specified and provided in section 109, chapter I5, title 5, of the revised statutes.

Use of jail.

§ 17. The use of the jail of Buffalo county, until otherwise provided, shall be granted to said city, for the confinement of prisoners, or offenders, and every such offender shall be delivered to the sheriff of said

county, for whose custody, safe keeping and delivery the said sheriff shall be responsible, as in other cases; but said county shall not incur or pay any liability or expense on account of any person committed to said jail for a violation of any ordinance, by-law, rule, or regulation of said city, but such expenses shall be paid by the city.

§ 18. This act shall be considered a public act, and shall be construed favorably in all courts and places. Public act.

§ 19. This act shall take effect and be in force from and after its passage.

Approved March 18, 1859.

CHAPTER 198.

AN ACT to authorize A. W. Pettibone and C. Seymour and their associates or legal successors or assigns to use, control, possess and maintain certain Booms and Piers in LaCrosse county, and to confer upon them certain rights in relation to the same.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It is hereby entitled that Albert W. Pettibone and Charles Seymour and their associates, legal successors or assigns, shall have the exclusive right to use, control, possess and maintain all the booms and piers in LaCrosse county that they, or any of them may acquire or have acquired by virtue of the United States Marshal's sale, or Deputy United States Marshals' sale of the same, and that the rights, privileges, grants and powers conferred upon the Black River Lumber Driving and Booming Company, or the Black River Log Driving Company by the Legislature of Wisconsin, by virtue of chapter number sixty two and chapter number three hundred and twenty-one of the private and local laws of 1854, and any subsequent acts amending said chapters 62 and 321, shall be and the same are hereby conferred upon the said Albert W. Pettibone and Charles Seymour and their associates or legal successors or assigns, for the purpose only of protecting the said A. W. Pettibone and Charles Seymour and their associates, representatives and assigns in the rights legally acquired to said booms and piers at such sales or sale, and to enable them as fully to use and maintain or dispose of the same as if the several Authority to use, &c., certain booms.

CHAPTER 199. acts hereinbefore recited and referred to had originally conferred such power upon them," with full authority and power to make such contracts as they shall see fit with any persons who may be willing to employ them for the purpose of booming and running logs or lumber by means of said boom and piers.

§ 2. It is hereby declared to be the opinion of this legislature that the objects sought to effected by this act cannot be accomplished under any general law now in force.

Repealed. § 3. All acts or sections of acts conflicting with this act are hereby repealed.

§ 4. This act shall be deemed a public act.

§ 5. This act shall have immediate effect after its passage.

Approved March 18, 1859.

CHAPTER 199.

AN ACT to establish a municipal court in the city and county of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Municipal Court—its jurisdiction, &c. SECTION 1. There shall be established in the city and county of Milwaukee a municipal court, for the transaction of all business that may lawfully come before it; and for that purpose the city and county of Milwaukee is hereby constituted a municipality. The municipal court shall be a court of record, with a clerk, and seal with a suitable device, to be procured by said clerk at the expense of the city, and shall have concurrent jurisdiction with the circuit court of Milwaukee county, with full power and authority to hear, try, and determine all cases of crimes and misdemeanors, of whatsoever kind, except such as may be punishable with death or in the State Prison for life, that are or may be cognizable before the circuit court, which may be committed in the county of Milwaukee.

Election of Judge. § 2. The qualified electors of the city and county of Milwaukee shall, on the first Tuesday of April, A. D. 1859, and once in every six years thereafter, elect a suitable person to the office of judge of said municipal court, to be called the "municipal judge," who shall

hold his office for the term of six years, and until his successor is duly elected and qualified. Said electors shall also elect, at the time and place aforesaid, and once in every three years thereafter, a suitable person to the office of "clerk of the municipal court," who shall hold his office for the term of three years, and until his successor is duly elected and qualified. Said clerk shall, before he enters upon the duties of his office, take an oath to support the constitution of the United States and of the State of Wisconsin, and to faithfully discharge the duties of his said office, and file the same in the office of the city clerk, and shall also execute to the city of Milwaukee a penal bond in such sum and with such sureties as the board of aldermen and common council of said city shall direct, and to be by them approved, conditioned that he shall account to and pay over to the city treasurer of said city, all fines penalties and moneys pertaining to either the city or county treasury, which may come into his hands in virtue of his office as clerk, on or before the first Monday of January, April, July and October of each year.

Oath of office.

§ 3. The judge of the municipal court shall, before entering upon the duties of his office, take and subscribe an oath to support the constitution of the United States and the State of Wisconsin, and to faithfully, honestly, and impartially discharge the duties of his said office, which oath may be administered by any justice of the peace or other officer authorized by the laws of this State to administer oaths, and shall be filed in the office of the clerk of said city of Milwaukee.

Power and authority of Court

§ 4. The municipal court shall have full power and authority to issue all legal and criminal process proper and necessary to carry into effect the jurisdiction given it by law; and, to carry out such jurisdiction, shall have and possess all the powers usually possessed by courts of record under the common law, under the limitations and regulations imposed by statute.

Duty of Circuit Court.

§ 5. The clerk of the circuit court shall, on or before the first Monday of May next, transmit to the clerk of the municipal court the list of grand jurors selected for the circuit court by the board of supervisors of Milwaukee county, which is hereby constituted the list of grand jurors for such municipal court until a new list shall be prepared as hereinafter provided. The sheriff of Milwaukee county shall also, on or before the said first Monday of May next, make out a list of sev-

enty-two persons, properly qualified to serve as petit jurors and file the same with the clerk of the municipal court, which is hereby constituted the list of petit jurors for the municipal court until a new list shall be prepared as hereinafter provided. The board of county supervisors of the county of Milwaukee shall, at the time of making lists of jurors, for the circuit and county courts, in lke manner make out a list of one hundred and eight persons, qualified to serve as petit jurors for the municipal court, which list, together with the list of grand jurors required by statute to be by them made out, shall be certified and signed by the chairman of said board, and forthwith delivered to the clerk of the municipal court. So much of any statute as requires the selecting, drawing, or summoning a grand jury for the circuit court of Milwaukee county, on or after the first day of May next, is hereby repealed. The clerk of the municipal court shall, in the presence of the sheriff and a justice of the peace of the Milwaukee county, proceed to draw a grand and petit jury for the municipal court, in the manner provided in section 8 of chapter 118 of the Revised Statutes, and the same proceeding shall be had as are provided to be had in the circuit courts of this state in criminal cases; and said chapter 118 is hereby extended to and over the municipal court hereby created, so far as the same may be applicable.

Grand and petit jurors.

Rules of practice of courts.

§ 6. The rules of practice and proceedings of said municipal court shall conform as near as practicable to the rules of practice and proceedings of the circuit courts of this State. All laws conferring powers and jurisdiction or regulating the proceedings of circuit courts, or the judges thereof, are hereby extended to and over the municipal court and the judge thereof, so that said municipal court, and the judge thereof, may do and perform all acts, matters and things which may be be done and performed by the circuit court of Milwaukee county, or the judge thereof, in criminal cases, except as hereinbefore provided.

Terms of court, &c.

§ 7. The municipal court shall be held at some suitable place in the city of Milwaukee, to be provided by said city. It shall hold monthly terms, for the trial of indictable offences, commencing on the first Monday of each month, unless the judge thereof shall otherwise direct. Grand and petit jurors shall be drawn for the June, October and February terms, in each year, and

the same juries shall serve for the intermediate terms. Before said juries shall be dismissed for the term, the judge may direct them to appear at the next succeeding term, at such time as he may designate, and so on until new juries are drawn and summoned as aforesaid. Such terms shall commence on the first Monday of each month, and continue from day to day, as the judge thereof may find necessary or convenient for the transaction of business.

Powers and duties of Clerk.

§ 8. The clerk of the municipal court shall have the custody and care of all the books, papers, and records of the court. He shall be present at all trials unless absent from sickness or with the consent of the judge, in which case, if necessary, the court may appoint some person temporarily in his place. He may swear all witnesses and jurors, and administer oaths and affirmations; he shall keep minutes of all the proceedings, and enter the judgments and make up and keep the records of the court, under the direction of the judge; he shall issue all processes under his hand and the seal of the court, and tested in the name of the judge thereof, signing himself "clerk of the municipal court," tax costs under the direction of the judge, and under like direction do and perform all other acts, matters and things necessary to the carrying out and enforcing the jurisdiction and powers of the municipal court.

Sheriff.

§ 9. The sheriff of Milwaukee county shall be the officer of the municipal court, shall serve its process and carry into effect its lawful orders, judgments and biddings: *Provided, however*, That process issued by said court in cases heretofore cognizable before the police court of the city of Milwaukee, may be served and returned by the same officer authorized before the passage of this act to serve and return the same.

Powers and duties of courts.

§ 10. All the general provisions of the statutes of the State of Wisconsin, relating to the powers and duties of courts of record in criminal cases, shall apply to the municipal court hereby established, so far as the same are not inconsistent with any provision respecting the said court, and the proceedings and practice therein, in this act contained, and no further.

Power to punish contempts.

§ 11. The judge of the municipal court shall have power to punish contempts, in the same manner, and for like causes, and to the same extent, that the judges of the circuit courts are, or may be authorized by law, to punish for contempts.

CHAPTER 199.

Judge may be removed from office.

§ 12. The judge of the municipal court may be removed from office in the manner provided for the removal of judges of the supreme or circuit courts, in the constitution of this State.

Rules of practice.

§ 13. The municipal court may by rule direct the practice of the same, and the form and direction of process, when not otherwise provided by law; and the process of said court may, under the direction of said court, be served in any part of this State.

Special venerie or veniries.

§ 14. The judge of the municipal court shall have power, whenever there shall happen to be a deficiency of jurors for any cause whatever, to award a special venerie or veniries, through the term, on any day or days of the term, to summon a number of jurors sufficient to complete the number of the original panel.

Judgments.

§ 15. The judgments of the municipal court may be examined and renewed by the supreme court, in the same manner and to like extent, as the judgments of the circuit courts of this State.

Powers of Chief Magistrate.

§ 16. The municipal judge shall be chief magistrate of the City of Milwaukee, and possessed of the powers of a justice of the peace in criminal cases not indictable, and in city prosecutions; he shall see that the criminal laws of the State, and the ordinances, laws, rules, regulations, resolutions and by-laws of the city of Milwaukee be observed and executed; and for that purpose shall open court each morning, (Sundays excepted,) and proceed to hear and dispose of, in a summary manner, all cases which shall be brought before him by the police officers of the city or otherwise, either with or without process, for violations of the criminal laws of the State committed in the county of Milwaukee, or of the ordinances, laws, rules, regulations, resolutions and by-laws of the city of Milwaukee. The clerk of the municipal court shall enter such judgments, decrees and sentences as may be just and proper, under the direction of the judge, and keep a record of such proceedings from day to day; also, under like direction, issue commitments and executions to enforce the same, with legal costs. It being intended by this act to invest and clothe the municipal court with the powers and jurisdiction of the police justice of the city of Milwaukee. *Provided*, That inquests of the dead shall be held by a ward justice of the peace.

Process.

§ 17. The process of the municipal court shall be in substance the same, when applicable, as are used in

circuit courts, and in the police court of the city of Milwaukee.

Fees of Sheriffs and other officers.

§ 18. The fees of witnesses, jurors, sheriffs and other officers, and the taxable costs of suits, shall be the same as are taxed in said courts respectively in similar cases, and shall be paid by the county of Milwaukee, or city of Milwaukee, when not otherwise collected, as state or city prosecutions, upon the certificate of the clerk that they are properly chargable to either the said county or city. *Provided*, That instead of justice fees, the same fees shall be taxed as clerks fees, and shall, when collected, be accounted for to the city treasurer, together with the fines and penalties by him received, as required by his official bond.

Application for warrants.

§ 19. Application for warrants may be made to the court, or under its direction, to the clerk, when in session, or to the clerk of the court when not in session; said clerk shall have power to issue the same, exercising the discretion that a justice of the peace may exercise, in granting or refusing the same. If the clerk shall refuse a warrant, the court on application may grant the same in its discretion. No warrant shall issue, except upon complaint made in writing, and upon oath. In city prosecutions the complaint and warrant shall be substantially the same as is provided in "an act to establish a code of procedure for the police court of the city of Milwaukee," approved March 17th, 1853, and the provisions of said court so far as the same are applicable, shall apply to the municipal court, and the forms therein contained shall be so changed as to correspond with the municipal court. The 6th section of said code of procedure is hereby repealed.

City prosecutions, &c.

§ 20. In offences not indictable and in city prosecutions, when offenders shall be in custody, and brought before the court, or the clerk, when the court is not in session, without process, the clerk shall enter upon the records of the court a statement of the offence with which the defendant is charged, which statement shall stand in lieu of a complaint, unless the court shall direct a formal complaint to be made; the plea of the defendant shall be either guilty or not guilty; in case of a failure to plead, the clerk shall enter a plea of not guilty; which plea shall put at issue all subject matters which pertain to the defence of the action.

Continuances of cases.

§ 21. The municipal court may in its discretion grant such contiuances of cases pending before it as

may be necessary to the ends of public justice, either with or without bail. *Provided*, however, That in indictable offences sufficient bail shall in all cases be required. When the court is not in session, the clerk on application shall have like power to take bail for the appearance of the person under arrest before the court, subject to the revision of the court.

Power of Court to commit, &c.

§ 22. The municipal court shall have power to commit, or bail over to its next regular term, such persons as may be found on examination before it to be indictable, and such witness as may be deemed necessary, In all examinations the clerk shall keep such minutes of the testimony as the court may direct, for the use of the grand jury. The district attorney of Milwaukee county shall be the prosecuting officer in all criminal cases, and the city attorney in all city prosecutions before the municipal court. All appeals from justices of the peace of Milwaukee county in criminal cases shall be made to the municipal court in the same manner as is provided by law for appeals to the circuit court; and said municipal court is empowered to hear, try and determine the same. In like manner all examinations, recognizances, and commitments from such justices shall run to, and be certified and returned to the municipal court, instead of the circuit court of said county of Milwaukee, on or before the first day of the next term thereof. Indictments for offences punishable with death, or in the state's prison for life, found in the municipal court, shall be duly certified by its clerk to the circuit court of Milwaukee county, which said last court shall have full power to hear, try and determine the same, and such indictments shall be of the same force and effect as if found in the said circuit court by a grand jury thereof.

Blanks, stationery, &c.

§ 23. The clerk of the municipal court shall, under the direction and with the consent of the board of the common council of the city of Milwaukee, (unless otherwise provided), from time to time procure and furnish all the necessary blanks, stationery, court, jury-room and office furniture, book and paper cases, desks, record books, lights and fuel, for the use of the court, and of the clerks thereof, at the expense of the city of Milwaukee.

Removal of Clerk.

§ 24. The municipal court may remove the clerk of said court from office, for incapacity or corruption in office, and may appoint a clerk pro tem. until such va-

cancy shall be supplied by special election. Upon the happening of a vacancy in the office of municipal judge or clerk, the sheriff of Milwaukee county shall by proclamation notify the electors of the county thereof, and at the same time order an election to be held, to fill the same for the unexpired term, giving at least twenty days notice to the several wards and towns of the city and county of the time and places thereof. Such election shall be for the unexpired part of the term of office and no longer.

Salary of judge and Clerk.

§ 25. The salary of the municipal judge shall not be less than two, nor more than three thousand dollars per annum, to be fixed by the aldermen and common council at the commencement of his term of office, and shall be neither increased nor diminished during his official term, to be paid out of the city treasury. Provision shall be made for the payment of the same quarterly. The salary of the clerk of the court shall be not less than eight hundred nor more than sixteen hundred dollars per annum, to be fixed and paid in the same manner, out of the city treasury, and which shall not be increased or diminished during his term of office.

In case of sickness or absence of Judge.

§ 26. In case of absence, sickness, or by reason of pressure of business at the regular term of the court, or from inability from any cause to attend to the duties of his office, the municipal judge may designate and appoint one of the justices of the peace of said city [or county] to temporarily discharge all or any of his duties, except the holding of a term for the trial of indictable offences. The actions and doings of such justice shall be of the same force and effect as if performed by the judge; and the clerk of the court shall make a like record of his proceedings. The justice designated and appointed as aforesaid shall receive for his services such sum not exceeding five dollars per day, as the aldermen and common council shall allow.

§ 27. The municipal judge shall not voluntarily absent himself from the duties of his office more than six weeks in any one year, except from sickness.

Fines, penalties, &c.

§ 28. All fines, penalties and clerks fees collected in criminal cases and paid into the city treasury shall be accounted for and paid over annually to the county treasury at the the time of accounting for the state and county taxes, by the city treasurer. The county of Milwaukee shall annually at the same time account to

CHAPTER 200. the city of Milwaukee for one-half of the salaries of the municipal judge, clerk, assistant clerk, blanks, stationery, record books, office furniture, lights and fuel for the municipal court, paid and furnished by said city.

Office of Police Justice abolished.

§ 29. Upon the election and qualification of a municipul judge, the office of police justice in the city of Milwaukee shall be abolished; and the enforcing the judgments and completing the unfinished business of said police court shall devolve upon said judge. So much of any law of this state as requires the election of a police justice in and for the city of Milwaukee is hereby repealed.

Act to take effect.

§ 30. This act shall take effect from and after its passage. *Provided*, That appeals and returns from justices of the peace of said county of Milwaukee in criminal cases shall be made to the circuit court, until after the third Monday of April next; and that nothing herein contained shall be construed so as to prevent the drawing, summoning and empannelling of a grand jury in the circuit court of said county until after the next Aprit term thereof, commencing on said third Monday of April next. *Provided*, further, That this act shall not be construed so as to confer any civil jurisdiction upon said municipal court or the judge thereof. City prosecutions shall be construed to be *quasi* criminal and shall be deemed to be embraced in the jurisdiction conferred by the provisions of the act.

Approved March 18, 1859.

CHAPTER 200.

AN ACT to incorporate the Black River Improvement Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Body corporate

SECTION 1. That Jacob Spaulding, A. Shepard, S. F. Weston, E. K. Whitcomb, C. G. Hanscome, C. M. Nichols, W. T. Price, N. B. Halway, Thos. Douglas, C. C. Washburn, W. J. Gibson, John Lytte, G. C. Hixon, Wm. R. Sill, James O'Neil, George Farnam, Jacob Hackett, James Perry, John Lewis, James Gavett, S. C. Gillett, O. Bonnama, R. Ross, H. Curtz, M. Lewis, James McKinley, John Valentine, M. Hanly, T. At-

kinson, E. H. Brockway, W. W. Crosby, C. K. Lord, G. H. Lidyard, John Morse, Horatio Nelson, Frank Mc Lellan, J. L. Usher, P. G. Jones, P. Rodolf, O. Peir, R. C. Van Rensellear, Nelson Rosevelt, and their associates, successors and assigns, be and they are hereby constituted a body corporate and politic for the purposes hereinafter mentioned, by the name of the "Black River Improvement Company" for the term of twenty years; and by that name they and their successors shall be and they are hereby made capable in law to contract and be contracted with, sue and be sued, plead and be impleaded, prosecute and defend, answer and be answered, in any court of record or elsewhere, and to purchase and hold any estate, real or personal, or mixed, and the same to grant, sell, lease, mortgage or otherwise dispose of, for the benefit of said company, to devise and keep a common seal, to make and enforce any by-laws, not contrary to the constitution and laws of the United States, or of this state, and to enjoy all the privileges, franchises and immunities incident to said corporation.

Capital stock.

§ 2. The capital stock of said company shall be twenty-five thousand dollars, in shares of one hundred dollars each, and the board of directors shall have power at any time whenever a majority in value of the stockholders, shall deem the same advisable to increase the said capital stock to any amount not exceeding in the whole fifty thousand dollars, and the stockholders shall be individually liable for the debts of said company to the amount of their unpaid subscription to the stock and, the said stock shall be made transferrable on the books of said company.

Subscriptions to capital stock

§ 3. The first five individuals named in the first section of this act shall be authorized to cause books to be opened at the city of La Crosse, in the first week of June, A. D. 1859, for the purpose of receiving subscriptions to the capital stock of said company, first giving twenty days notice in any newspaper published in the county of La Crosse, and the county of Jackson, of the time and place of opening of such books: *Provided, however*, That no person or company shall subscribe for more than ten shares, till after the books have been open thirty days.

Election of Directors.

§ 4. Whenever five thousand dollars of capital stock shall have been subscribed, and five dollars upon each share so subscribed for, shall have actually been paid

CHAPTER 200. in, any number of the subscribers who shall represent a majority of the then subscription to said stock, shall be authorized to call a meeting of the several subscribers thereto, by giving ten days notice of time and place of such meeting, in any newspaper published in said counties, and those of those the subscribers who may be present at such meeting so called, shall have the power and be authorized to elect by ballot a board of five (5) directors from the stockholders of said company.

Election of President, Cl'k, and Treasurer.

§ 5. The board of directors thus chosen shall proceed to elect one of their number as president of said company, and shall choose one person who shall act both as treasurer and clerk of said company, and who shall give bonds to be approved by the president and directors to the president and directors in the penal sum of twenty thousand dollars, conditioned for the faithful and correct discharge of his duties as treasurer and clerk; and at such first meeting said president and directors shall prepare and adopt a code of by-laws for the regulation and government of the officers of said company, which may be altered or amended at any subsequent meeting of said board of directors.

Oath of office.

§ 6. The president, clerk, treasurer and directors and all other officers of said company, before they enter upon their duties, shall be duly sworn for the faithful performance of their trust and the president shall preside at the meetings of said company and of the board of directors and perform such other duties as shall be prescribed by the by-laws of said compnny, and in the absence of the president, a president pro tem may be elected to preside over such meetings.

Term of office.

§ 7. The said president, directors, treasurer and clerk chosen according to the provisions of the three preceding sections shall remain in their several offices until the second Wednesday of December, in the year of Lord one thousand eight hundred and fifty-nine, (1859) upon which said Wednesday, a meeting of the said stockholders shall be held, and aboard of five directors chosen, who shall remain in office for one year thereafter, and annually thereafteron the second Wednesday [of] December of each year, a meeting of the said stockholders shall be held, and a board of five directors shall be chosen for the ensuing year. *Provided*, That if any vacancy shall be created in any office by

reason of death, resignation, or otherwise, the board of directors shall have power to fill such vacany pro tem., or for the remainder of the term; *Provided*, also, That the president of said company shall be chosen from the diractors thereof and a treasurer and clerk shall always be chosen by the said board of directors according to the provisions of the fifth section of this act.

Meetings of stockholders.

§ 8. The president of said company shall have power to call a meeting of the stockholders at any time, by giving twenty days notice of the time and place of said meeting in any newspaper published in said counties of La Crosse and Jackson, and any three of the board of directors or a majority in value of the stockholders shall have the like power to call such meeting of the stockholders in like manner. *Provided*, That the duties and powers of the president and clerk not in this act set forth shall be specified and prescribed in the by-laws adopted by the board of directors according to the provisions of the fifth section of this act.

Directors—powers and duties.

§ 9. The board of directors shall meet at such times and places as they shall regulate by their by-laws; they shall fix the compensation of all officers of the company and define their duties; shall by their by-laws regulate the government of all meetings of their own board and of the stockholders, and generally shall have power to do all acts for the benefit and purposes of the said company; *Provided*, That the salary of the directors may be fixed by the stockholders of said company at their annual meeting.

Clerk's duties.

§ 10. The clerk shall attend all meetings of the board of directors and of the stockholders and shall keep a just and true record of all the proceedings at such meetings, and as treasurer and clerk shall perform such duties as the board of directors shall by their by-laws prescribe.

Choice of officers.

§ 11. Every share shall be entitled to one vote and at any meeting for the choice of directors, the five stockholders each having a majority of the votes cast shall be elected directors, and at every meeting of the board of the board of directors for the choice of president, the director having a majority of votes shall be elected president." *Provided*, That at any meeting of the stockholders a majority in value, shall constitute a quorum with power to transact all business and at any meeting of the board of directors any three of the board of directors shall constitute a quorum with power to transact business.

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Booms.

§ 12. The said company shall be and are hereby authorized and empowed to construct, maintain and keep a boom or booms at such point or points, place or places on said river as they may deem proper, and they are authorized and permitted to place or hang shear or trip booms across the entrance of any sloughs—booms and out lets upon said river and along all places where logs or timber may be liable to run or float out of the main channel of said river; *Provided*, That the said company may not erect or hang booms between Weston's boom so-called, near Onalasca and the mouth of Black river.

Dams across river.

§ 13. The said company are also authorized and empowered to construct, maintain and keep a dam or dams across said river at any point above Shepherd & Valentine's mills, and may construct any dam or dams across any slough or outlets or cut-offs in said river; also to cut off all points of land to widen said river, and to make a canal or canals, to straighten the same, and to make such other improvements as may be necessary to carry out the objects of this corporation, and the said company shall be liable to any person or persons who may be damaged by said improvements, said damages to be ascertained by three commissioners to be appointed by the judge of the circuit court, upon applicaion of either party, and the opposite party shall have ten days' notice of the time when and place where such commissioners shall be appointed. If said damages cannot be settled by the company and the persons aggrieved. *Provided*, That either party may have the right of appeal to the circuit court of the proper county, said appeal to be taken in the same manner as appeals to said court in other cases.

Payment of damages.

§ 14. In all cases where the said company shall seek or desire to cut off any point or points of land, or dig any canal or canals or in any manner straighted said river so as to materially change the natural of the same, it shall first obtain the consent of all persons to be injured or in way affected thereby, in writing to do the same, and in case said company shall not obtain such consent then and in that case the said company shall give notice of ten days in writing to the owner or owners of the property to be injured or affected thereby if know, and if not known shall publish notice in some newspaper in the county if any such there be and if not, then in some paper in an adjoining county at least

once in each week for the period of four weeks of their intention to make such canal or cut off, describing the point at which the same same is to be made, and if after such notice given, the parties cannot agree upon the amount of damages to be paid by said company, then the same shall be ascertained by three commissioners to be appointed as provided in the 13th section of this act. *Provided*, That in all cases the said company shall be required to pay or secure the payment of all damages so ascertained before making such cut off or canal.

Scalers.

§ 15. The directors of said company shall elect or appoint one or more scalers whose duty it shall be to scale all logs to be driven down said river by said company, and to classify said logs into three classes, putting on each class some mark by which the quality may be easily distinguished.

Delivery of logs, &c.

§ 16. The said company as by section 19 of this act, shall deliver to such person having logs driven down said river, by said company, the same logs and marks of logs actually owned by such persons at such place or places on said river as the said owner or owners may order or direct, subject to the restrictions hereinafter made. *Provided*, said log owners shall erect suitable booms and places for catching and sorting the same, said booms and places for sorting to be made by the owners at their own expense, under the direction of the company.

Duty of Scalers.

§ 17. The directors of said company shall appoint one ore more suitable persons whose duty it shall be to scale and keep a true and accurate account of the quality, quantity, and marks of logs delivered to each owner or persons on the said river in a book to be provided by said company and kept for that purpose, which shall be subject at all times to the inspection of loggers and log owners on Black river, which book shall at all times be in the possession and remain the property of said company, and the account so kept shall be evidence the same as other book accounts, of the delivery of the logs aforesaid and of the number, quantity, quality and marks so delivered and to whom the same were delivered.

Expense of driving, &c.

§ 18. All persons hereafter placing, depositing and suffering their logs, timber or ties to remain in said Black river, between township thirty, (30) north, and the mouth of said Black river, in such a manner as to

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mingle or mix with the logs, timber or ties of said company or the individual members thereof in the general drive of logs, timber or ties down said river, shall be deemed to have consented that the said logs, timber and ties shall be driven down said river by said company and shall pay the charges and expenses of driving, booming, stopping and delivering as hereinafter set forth, and the said company shall have a lien upon all logs, timber and ties driven down by them for the expenses as set forth in this act.

Certificate of measurment, &c.

§ 19. The said company shall scale and give a certificate of the number and measure to the owner of logs on Black river, who may put or place in their charge all logs to be driven down said river to any point on said river, and the said company shall deliver to the owner or owners on presentation of said certificate, eighty-five (85) per cent. of said logs in the manner following, to wit: sixty (60) per cent. on the logs that may be put in their charge within one year from the time the said company, have charge of them; fifteen (15) per cent. more the second year, and ten (10) per cent more the third year: *Provided*, That no more than (60) sixty per cent. of said logs, timber and cants shall be required to be delivered above the boom at the mouth of Black river, the same to be delivered in the above proportions and twenty-five (25) per cent. of such logs may be delivered at the boom at or near the mouth of Black river, *Provided*, That if said company shall deliver more than sixty (60) per cent. the first year they the said company shall recover and collect from the owner or owners, mark or marks twelve (12) per cent. interest on the market price of said logs for the quantity, greater than sixty per cent. that shall be delivered the first year; *Provided*, also, That if said company fail or neglect to deliuer sixty (60) per cent. of any mark or marks of logs the first year, they, the said company shall pay to the said owner or owners twelve (12) per cent. on the market price of the quantity the said company shall deliver less then the said sixty (60 per cent. the first year, *Provided*, always, That the said company shall retain, have and hold all the remainder of said logs after delivering to the owner or owners as aforesaid the said eighty-five (85) per cent. as aforesaid, and if the said company shall fail or neglect to deliver the said eighty-five (85) per cent. as aforesaid, then the said company shall yearly make up to the owner the

Proviso.

deficiency under (60) sixty per cent. the first year, fifteen per cent. the second year, and ten per cent. the third year, in the same quality of logs, or pay the owner for the same at the then market price.

Compensation.

§ 20. The said company shall demand, collect and receive and are hereby authorized by law to demand, collect, receive and recover the sum of one cent. per one thousand (1000) feet for each and every mile, all logs, timber and cants, run, boomed and delivered as aforesaid, and two cents for each and rail road tie run down said river; and when the said company shall so improve the mouth of said Black river, that "Black River" rafts of lumber, cants, ties, square timber or logs, in raft or rafts of any description, one hundred and thirty (130) feet long and thirty-two (32) feet wide can pass without unnecessary delay, the said company shall be empowered and authorized to demand and receive, and collect ten (10) cents in full for for each thousand (1000) feet of lumber, board measure so run down said river, and the same may be collected, in the same manner and under the same regulations as as charges on logs, us set forth in following section of this act.

Charges for driving, &c.

§ 21. The aforesaid charges for driving, sorting, booming and delivering logs, timber, cants or running rafts of lumber, timber and other rafts, shall be deemed due and shall be paid to said company when the said logs, timber or cants and rafts as aforesaid are ready for delivery, and the said company shall have a complete lien and special property in said logs, timber, cants and rafts, so run, boomed and delivered for all boomage and charges that may be due to said company upon said logs, timber, cants and rafts by the respective owners thereof, and the said company are authorized and permitted to retain possession of all logs, timber, cants, ties or rafts, of any kind, of any owner or any particular mark or marks, for running, driving and booming, and all other charges that may have accrued on said logs or any portion of said logs which may have been previously provided and each mark shall be liable and responsible to said company for all expenses and charges that may have accrued upon said mark of logs or any portion thereof, and logs of such marks or a sufficient portion thereof, shall be taken by said company, from year to year as they are received in any of the booms aforesaid, and sold as aforesaid until all de-

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mands, charges and expenses shall be paid in full to said company; *Provided*, That when any sum or sums of money shall have become due to said company for boomage and driving logs or timber or rafts or other charges as aforesaid which shall not be paid on demand by the owner or owners thereof after the same becomes due, the said company are hereby authorised and empowered to take and sell at public auction by giving thirty days uotice, written or printed, to the owner or owners thereof if known and posting the same at north La Crosse, Onalaska and Black River Falls, a sufficient quuntity of said logs or timber or lumber or other logs, timber or lumber belonging to the same owner or owners which may be in possession thereof to pay all demands and charges of whatever nature that may have accrued or become due as aforesaid, and if said logs shall be sawed into lumber by any mill and the charges on said logs have not been paid, the said company shall have power and be authorized to to sell the lumber made from said logs in the same manner and under the same restrictions as they might sell the logs aforesaid.

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Logs having no marks.

§ 22. All logs having no mark or marks or old logs having new marks cut or put on them, being known as prize logs coming within the limits of said company, shall be collected by the said company and sold at any time at public auction by giving twenty days public notice of the time and place of sale, by written or printed notice posted up in two or more public places and the proceeds thereof after deducting the driving expenses and all reasonable charges shall at the close of the season be divided among the stockholders of said corporation pro ratio.

Suits for altering marks, &c.

§ 23. The company are hereby authorized and empowered in their corporate name to sue for and recover of any person or persons, who shall or may unlawfully cut out, alter or destroy any mark or marks made on any logs, timber or lumber put into Black river or its tributaries within the jurisdiction of this company, shall forfeit and pay the sum of ten dollars for each log, piece of lumber or stick of timber, the mark of which he shall have so altered, cut out or destroyed, and shall be liable to the said company, in three times the amount of damages, and any log, stick of timber or piece of lumber found in the possession of any person with the mark or marks cut out altered or destroyed, shall be prima facie evidence of his guilt and that he so altered

or destroyed said mark, and the burden of proof shall he upon him to discharge himself.

Powers of Company.

§ 24. The said company are hereby authorized and empowered in their corporate capacity, to prosecute and sue any person or persons who shall convert to his own use, without the consent of the owner or the said company, any logs, timber, boards or plank floating in Black River or lying on the banks or shores of said river, or any island where the same may be drifted, except in this chapter provided for, shall be liable to the said company in triple the amount of damages, and said damages in this and the preceding section mentioned, shall be divided among the stockholders *pro rata.*

Penalty for injuring booms, &c.

§ 25. Every person who shall wilfully and maliciously break, cut away, injure or destroy any boom, dam, pier or other improvement established or erected, upon said Black River by said company, or shall wilfully or maliciously make any cut or breach in such booms or dam, with intent to destroy the same, shall be punished by imprisonment in the county jail for not more than six months nor less than one month, or by fine not exceeding one hundred dollars, and shall be liable to said company in treple the amount of damages to said company, to be recovered in an action.

§ 26. The counties of La Crosse, Jackson or Clark, shall have concurrent jurisdiction of the subject matter contained in the three (3) preceding sections mentioned.

Passage of boats, &c.

§ 27. The said company shall always give passage by or through the booms of said company at all times, to any raft running down Black River, and to all steamboats, flat boats, or other water craft, running up or down said river, without unnecessary hindrance or delay.

Capital stock.

§ 28. The directors of said company shall at any time call in ten per cent. of the capital stock, on giving thirty days' notice in writing; and if any person shall fail to pay the said ten per cent. for the space of thirty days after notice, he shall forfeit the amount he has already paid, and his stock shall be sold for the benefit of said company.

Power to consolidate.

§ 29. The said Black River Improvement Company may have power to consolidate with Black River Log Driving Company, or any other company on said river, for the purpose of carrying out the objects of the corporation, upon such terms as may be agreed upon by and between the said parties.

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§ 30. It is the opinion of the legislature that the objects of this bill [act] cannot be attained by or under any general law of this State.

§ 31. This act shall take effect and be in force from and after its passage.

Approved March 18, 1859.

CHAPTER 201.

AN ACT to authorize James Laws to keep and maintain a ferry across the Wisconsin River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to maintain ferry.

SECTION 1. James Laws, his heirs, executors, administrators and assigns, shall have the exclusive right and privilege, for the term of ten years, of keeping and maintaining a ferry across the Wisconsin river, from section number three, township number eight of range number one east, in Iowa county, to lot number two of section number thirty-four, in township number nine of range number one east, in Richland county.

Regulations.

§ 2. The ferry shall be subject to such regulations as other ferries are or may be by law, and the proprietors thereof shall be entitled to receive for crossing any vehicle drawn by two horses or one yoke of oxen, fifty cents, for each additional horse or ox ten cents; for a horse and buggy, thirty-five cents; for a man and horse, twenty-five cents; for sheep and hogs, three cents each; and for each footman, ten cents.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 18, 1859.

CHAPTER 202.

AN ACT to lay out a State Road from Weston Rapids, in Clark county, via Augusta to Eau Claire City, in Eau Claire county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Charley Buckman, William Young, Harris Searl and John L. Ball be and are hereby appointed commissioners to lay out and establish a State road, commencing at Weston's Rapids, in Clark county, and from thence by the village of Augusta to Eau Claire City, in Eau Claire county, on the most feasible route that is practicable. Commission to lay out a State road.

§ 2. No part of the expense of laying out said road shall be chargable to the State.

§ 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1859.

CHAPTER 203.

AN ACT to appoint Commissioners to lay out a State Road from Sugar Creek to Dykesville.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Daniel W. Hubbard, Antoine Ricor and Michael Shuritz are hereby appointed commissioners to lay out and establish a State road from the mouth of Sugar Creek, in Door county, to Dykesville, in Keewaunee county, upon the most direct and practicable route: *Provided*, That no money shall be paid out of the State treasury therefor. Commission to lay out a State road.

§ 2. This act shall take effect and be in force immediately after its passage.

Approved March 18, 1859.

CHAPTER 204.

AN ACT to authorize the common council of the city of Milwaukee to provide a salary for the Chief Engineer of the Fire Department.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Salary of Chief Engineer.

SECTION 1. The common council of the city of Milwaukee is hereby authorized to pay the chief engineer of the fire department from and after the first day of April next an annual salary of not less than four hundred dollars, nor more than eight hundred dollars.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1859.

CHAPTER 205.

AN ACT to amend the charter of the village of Manitowoc.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Highway tax.

SECTION 1. All moneys raised in the village of Manitowoc by the levy and collection of a highway tax, shall hereafter be subject to the control of the board of trustees of said village, and said board are hereby authorized to apply the whole or any part thereof to the building and improving of any road within the county of Manitowoc as they in their judgment may deem for the best interest of said village. *Provided*, The legal voters of said village sanction such appropriation of moneys levied.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

CHAPTER 206.

AN ACT to authorize William Knapp to keep and maintain a Ferry across the Wisconsin River.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. William Knapp, his heirs, executors, administrators, and assigns, shall have the exclusive right and privilege, for the term of ten years, of keeping and maintaining a ferry across the Wisconsin river, between the counties of Iowa and Richland, in lots six and seven of section thirty-five, township nine north, of range one east. Right to maintain a ferry.

§ 2. The ferry shall be subject to such regulations as other ferries are or may be by law, and the proprietors thereof shall be entitled to receive for crossing any vehicle drawn by two horses, or one yoke of oxen, fifty cents; for each additional horse or ox, ten cents; for a horse and buggy, thirty-five cents; for a man and horse, twenty-five cents; for sheep and hogs five cents each; and for each footman, ten cents. Regulations.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

CHAPTER 207.

AN ACT to authorize Jacob Luips and Alexander W. Buel to build a free bridge across Manitowoc River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Jacob Luips, of Manitowoc, and Alexander W. Buel, of Detroit, Michigan, are hereby authorized to erect and maintain a free bridge across Manitowoc river, at a place where bridge street terminates on said river, as laid out on plat of A. W. Buel, of re-subdivision of lots number ten and eleven, on B. Jones' plat of subdivision of the south half of the northeast quarter of section number nineteen, township number nineteen north, range twenty-four east. Bridge across the Manitowoc river.

§ 2. Said bridge shall be so constructed as not to prevent the free navigation of said river.

Approved March 19, 1859.

CHAPTER 208.

AN ACT to amend chapter 225 of the Local Laws of 1858, entitled an act to incorporate the Village of Markesan.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. Section one of said chapter is hereby so amended as to read as follows, commencing at the center of section eight, town fourteen, range thirteen east, thence north, to the town line, thence west, to the west line of said town, thence south, on the town line, to the quarter post of section seven, thence east, to the place of begining.

Elections. § 2. The elections for all officers to be chosen under the said act, to which this is amendatory, shall be held on the first Tuesday in April next, and annually thereafter.

Repealed. § 3. Such portions of section one and three of the act to which this act is amendatory, in conflict with this act, is hereby repealed.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

CHAPTER 209.

AN ACT to vacate a portion of A. M. Thomson's addition to the village of Hartford, in the county of Washington.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Land vacated. SECTION 1. All that portion of A. M. Thomson's addition to the village of Hartford, in Washington county, that lies north of the second tier of lots north of Union street, in said addition, is hereby declared to be vacated, and the said land thus vacated shall hereafter be assessed and taxed as other farming land.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

CHAPTER 210.

AN ACT to incorporate the Boscobel and Manhatten Bridge Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That C. K. Dean, John Mortimer, D. T. Parker, Alfred Palmer, O. P. Knowlton and J. R. Shipley, of Grant county; C. D. Bellville, Isaac Teller and John H. Tower, of Crawford county; A. E. Ray and H. M. Ray, of Walworth county, and such other persons as shall associate with them, be and are hereby incorporated by the name of "The Boscobel and Manhattan Bridge Company," and by such name may sue and be sued, plead and be impleaded, in any court in this State, and may have a common seal and change the same at pleasure. **Incorporated.**

§ 2. C. K. Dean, J. R. Shipley and C. D. Bellville, or any two of them, are hereby appointed commissioners to receive subscriptions to the capital stock of said company, who shall open a book of subscription at the store of said J. R. Shipley, in the village of Boscobel, in Grant county, on the first Monday of April, eighteen hundred and fifty-nine, which book shall be kept open for one week. **Commissioners**

§ 3. The capital stock of said company shall be twenty thousand dollars, and be divided into shares of ten dollars each. **Capital stock.**

§ 4. The said company shall have power to build and construct a bridge over or across the Wisconsin river, at any point within the limits of section twenty-eight town eight north range 3 west, which may be selected by the company for that purpose. **Power to build a bridge.**

§ 5. The said bridge shall be built and constructed at no greater radiation than five degrees from a right angle with the main current of the river at the point of crossing, and the superstructure of the bridge shall be at least six feet above high water mark, with spans of not less than one hundred and fifty feet in the clear, between the piers, for the passage of boats and rafts, and shall have a draw of not less than fifty feet over the main channel of said river, to allow the unobstructed passage of boats and rafts. The piers of said bridge shall be so constructed as to be parallel with the main current of the river. The said bridge shall not be less than twenty feet wide, shall have a double track for **How bridge to be built.**

CHAPTER 211. wagons, with a good and substantial railing on both sides thereof. Said bridge shall be commenced within two years, and be completed within six years. The company, or their agents, shall, during the season of navigation, faithfully attend said draw, so as not to delay the passage of boats through the same.

Toll. § 6. The said company shall have power, for the term of thirty years after the completion of the bridge, to demand and collect toll for passing the same, as follows: for every vehicle drawn by one horse, twenty cents; for any vehicle drawn by two horses or oxen, twenty-five cents; for each additional horse or ox, ten cents; for foot passengers, each five cents; for a single horse, ten cents; for all animals in droves of less than fifty head, three cents each, and for all droves of over fifty-head, one cent each.

List of rates. § 7. Said company shall keep posted up, in some conspicuous place on said bridge, a list of the rates of toll as allowed by this act.

By-laws. § 8. Said company shall have power to make all by-laws which may be necessary or proper for the regulation of its corporate affairs, not repugnant to the laws of this State or of the United States.

§ 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1859.

CHAPTER 211.

AN ACT to incorporate the Ahnepee and New Franklin Plank Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Incorporated. SECTION 1. That David Young, Edward Decker, M. Simon, D. D. Garland, A. D. Eveland, John Axtel, F. W. Puffer, George Schaner and Michael Arndt be and they are hereby appointed commissioners, under the direction of a majority of whom subscription may be received to the capital stock of the Ahnepee and New Franklin Plank Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of

said company, first giving thirty days notice of the times and places of receiving such subscriptions, by publishing the same in one or more newspapers printed in Kewaunee county.

Capital stock.

§ 2. The capital stock of said company shall be fifty thousand dollars, in shares of twenty-five dollars each; and as soon as one hundred shares of the capital stock shall be subscribed, and five per cent of the amount thereon actually paid in or secured to the said company, the subscribers of such stock, with such other persons as they shall thereafter associate with them for that purpose, their successors and assigns, shall be, and they are hereby created and declared a body corporate and politic, by the name and style of the Ahnepee and New Franklin Plank Road Company, with perpetual succession, and by that name shall be capable of purchasing, holding, selling, bargaining and conveying estate, real, personal or mixed; in their corporate name may sue and be sued, may have a common seal which they may alter or renew at pleasure, and generally, may do all and singular the matters and things which an incorporated company may by law do.

Election of Directors.

§ 3. The said commissioners, or a majority of them, after said one hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days notice in one or more of the newspapers of the said county of Kewaunee, or of an adjoining county, of the time and place of the meeting of the stockholders for the electing of five directors, who shall hold their office until their successors are elected, and annually thereafter, upon the anniverary of the first election, upon notice of the place of meeting being given by the directors then in being, being published in one or more of the newspapers in the county aforesaid, or an adjoining county, to be designated by the said directors, the said stockholders shall meet to elect directors: *Provided*, That until the first election of directors, the said commissioners above named, upon the subscription of one hundred shares of stock and the organizing of said commissioners by the election by them of one of their number president, shall have all the powers and perform all the duties of a board of directors for said company, and the corporate existence of said company shall be taken to have begun and be complete as if a regular election of directors had taken place; and in case of a vacancy at any time happening in the

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CHAPTER 211. board of directors, or the said board of commissioners acting in the capacity of directors, the board shall have power to fill such vacancy.

Management of affairs of Company.

§ 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, and be chosen by ballot by the stockholders in person or by proxies duly authorized; and in all elections, and in the discussion of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and the majority of votes cast shall govern, except in elections, where the five persons having the greatest number of votes cast for directors shall be declared elected.

Organization.

§ 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number president; and they shall have power to appoint a secretary and treasurer, and such other officers or agents as they shall deem fit, and may fix their compensation, and may demand adequate security for the performance of their respective trusts, and may remove said officers and revoke the power of such agents at pleasure. They shall also have power to make all necessary and proper by-laws, rules and regulations for the management of said company, the subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers; all of which by-laws, not inconsistent with the constitution and laws of this State, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed part of this act of incorporation.

Instalments upon stock.

§ 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay instalments upon their stock, and to declare the forfeiture of said stock, and all pay or payments thereon or failure to pay such instalments as may be called for, and also to adopt, in behalf of the company, a relinquishment of any stock subscribed, and execute to the person or persons relinquishing the same, valid releases, discharging them from all liabilities thereafter for or on account of the acts of said company or its officers.

Regulations of toll, &c.

§ 7. The said directors shall have power to regulate tolls, and make such covenants and contracts in the

name and under the seal of said company with any person or persons, as the execution and management of the work and the convenience and interests of the company may require, and may issue to each stockholder a certificate or certificates of the amount paid on such share at the time of issuing such certificate or certificates, which certificate or certificates shall be signed by the president and countersigned by the secretary of said company, and such certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company.

Location of road, &c.

§ 8. The said company shall have power to locate and construct a single or double track road, from the village of Ahnepee, in Kewaunee county, to New Franklin, in Brown county, by the most eligible and practicable route, as the directors shall decide: *Provided*, That said road shall pass through the village of Casco. The track of said road shall be constructed of plank, stone, gravel, charcoal or either, in whole or in part, each at the option of the directors, so that the same, when completed, shall constitute a firm, regular and proper surface for the passage of wagons and carriages.

Ibid.

§ 9. It shall be lawful for said company, their officers, engineers or agents, to enter upon any lands for the purpose of surveying and locating the route of said plank road, doing thereto no unnecessary damage; and when said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of and use such lands, not excluding four rods in width along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, That in such case as may be necessary for the company to obtain gravel or stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road not to exceed six rods in width, and they may also cut down such trees, on each side of said road, as may endanger said road by falling, or otherwise.

Compensation for land, &c.

§ 10. When the corporation shall not agree with the owner or owners of any land, gravel, stone or other material required for the construction of said road for the purpose thereof, or for the compensation to be paid

CHAPTER 211. therefor, or when by reason of the absence or legal incapacity of the owner or owners no such agreement or purchase can be made, then, and in any such case, it shall be lawful for any justice of the peace to issue a warrant directed to the sheriff or any constable of said county, not directly interested, requiring him to summon a jury of nine freeholders of said county, not interested in said property, to meet the said justice at some convenient place at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant, and if, at the time and place named, any or the persons so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of nine jurors, and from them the said company or the owner or owners of said property to be valued, their agent or attorney, or either of them, and if they are not present in person or by attorney, the sheriff or constable shall, for him her or them, strike off each two of said jurors, and the remaing five shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace shall administer to each of them an oath or affirmation that they will faithfully and impartially value the land and material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of such road, according to the best of their skill and judgment; whereupon the said justice and jurors shall proceed to view the said land or material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing which shall be signed by the said justice; and the verdict of the jurors thereon shall be signed by the jurors or a majority of them, and by the justice of the peace; and the said justice of the peace shall, within five days thereafter, transmit the same to the clerk of the district court of the proper county, who shall file the same. Such inquisition shall describe the property taken or to be taken, or the boundaries of the land in question, and the value thereof as aforesaid; and such valuation, when paid, together with the cost of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued

Damages.

and taken shall be used for the track of said plank road: *Provided*, That it shall not be lawful for any justice or jury of inquest to proceed in the valuation of any such property or material in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit that such owner or owners have had at least five days notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age or *non compos mentis*. Such service may be made upon the guardian or trustee, under the same restrictions as in case of owners; or, if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, That no such material shall be taken if the jury shall decide that the same are essential to the owner or owners thereof.

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§ 11. The directors shall have power in their discretion, to construct said plank road along and upon any road or highway now or hereafter to be laid, opened and established by the proper authorities, and of such width and in such manner as the directors shall determine: *Provided*, That such authority shall first proceed from the supervisors of the town in which such public highway may be situated; and they may erect toll gates and exact toll from persons travelling on their road whenever three consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh or carriage drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh or carriage drawn by one animal, one cent per mile; and for every horse and rider, or led animal, one cent per mile; for every score of sheep or swine, one cent per mile; and for every score of neat cattle, four cents per mile: *Provided*, That persons going to and from military parade, at which they are required by law to attend, and persons going to and returning from funerals shall be exempt from tolls. The toll gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate, any animal or carriage subject to toll until the toll thereon is paid.

Power to construct plank road, toll gates, &c.

§ 12. The said directors may receive from any stockholder in said company, in lieu of money for the stock subscribed by him, real or personal property, to

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be approved by said board of directors, and upon the acceptance of such security from said stockholders, or any of them, the subscription of such stockholder shall be considered as paid, and certificates of stock shall be issued to said stockholders in the same manner as if they had paid in the full amount of their subsription in money; and it shall be competent for the said stockholders paying their subscription to said stock in securities as aforesaid, to contract and to pay to said company interest at the rate of twelve per centum, for a period not exceeding ten years, and to execute to said company by its corporate name, bonds, mortgages or notes of such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferrable by them in the same manner as if the same were made payable to individuals, or to their order or assignee.

Penalty for injuring road, &c.

§ 13. If any person shall wilfully or knowingly obstruct, break or destroy the said road to be constructed by the said company, or any part thereof, or any work, buildings or fixtures attached to or in use upon the same, belonging to said company, such person or persons so offending shall each of them, for every such offense, be liable to a civil action for the recovery of damages by said company, by action in any court having competent jurisdiction in the county wherein the offense shall have been committed, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court.

Ibid.

§ 14. Any person who shall wilfully throw down any gate on such road which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall, with his team, carriage or animal turn out of said road or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall, for each offense, forfeit a sum not exceeding ten dollars to and for the use of said company, and also for all damages done to the profits of said company, in action at law.

Increase of capital stock.

§ 15. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company as may be necessary to complete said road.

§ 16. If said company shall not, within five years from the passage of this act, commence the construction of said road, or shall not, within ten years, have completed a single or double track for a distance of six miles, or if said company shall misuse or abuse any of the privileges hereby granted, the legislature may resume the rights and privileges vested in said company, or may establish rules for the government of said company in the use of said road. Completion of road.

§ 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State, shall be received as evidence thereof. Public act.

Approved March 19, 1859.

CHAPTER 212.

AN ACT for an act to incorporate the Lake Superior Iron Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That E. B. Dean, jr., James D. Ruggles, Joseph McCloud, Thomas L. Lawrence and Daniel R. Coit and such other persons as may hereafter become associated with them in the manner hereinafter provided, shall be and they are hereby incorporated and made a body corporate and politic, by the name and style of the "Lake Superior Iron company" and by that name shall have succession, shall be able to contract and be contracted with, to sue and be sued, plead and be impleaded in any court of law or equity; to make, have and use a common seal, and the same to alter and renew at pleasure. And the said company shall have full power and authority to open and work any mines of iron, or any other ores and minerals that may exist on any lands which the said company may acquire within the state of Wisconsin. Body corporate

§ 2. The capital stock of said company shall consist of one thousand shares of five hundred dollars each (with the privilege of increasing the same one thousand shares, two thirds of the stockholders consenting thereto) but it shall be lawful for said company to organize Capital stock.

CHAPTER 212. and commence their operations, when and so soon as fifty thousand dollars shall be subscribed of said stock, and five per cent. thereon paid in cash, and with that capital to commence, conduct, and carry on the same until they shall find it expedient to enlarge their capital, which they are authorized to do from time to time, to the amount first above mentioned and provided for.

Directors. § 3. The management of the affairs of said company shall be vested in five directors, who shall be stockholders, any three of whom shall constitute a quorum to do business; such directors shall hold their office for one year and until their successors shall be elected and qualified. The board of directors as soon as practicable after their election shall proceed to elect one of their number president of the company, and the president and directors shall elect and appoint all such other officers and persons as they shall deem necessary for the management and care of the business of the company.

Commissioners § 4. The corporation named in the first section of this act shall act as commissioners to procure subscriptions to the stocks of said company and for that purpose shall open books at such place or places as they or a majority of them shall designate, and as soon as fifty thousand dollars or more are subscribed, they shall notify the stockholders of the fact, designating some convenient place for them to meet and hold an election for directors.

Powers of Company. § 5. Said company shall have power and authority to carry on the business of mining, smelting and manufacturing ores, metals, and minerals, within the state, and for that purpose may acquire, hold, use, and transfer real and personal property, may erect buildings, machinery and other improvements and use the same in its business; may sink shafts, erect steam engines, mills, furnaces, bloomeries, foundries, and other establishments necessary and useful in mining, smelting, and manufacturing ores, metals and minerals.

Stock. § 6. The stock of said company shall be deemed personal property, transferrable on the books of the company in such manner as the directors shall regulate by law.

By-laws, &c. § 7. The president and directors of said company may enact and establish such by-laws, rules and regulations for the government of themselves and all officers

and persons in the employ of said company as shall not be inconsistent with the provisions of this act, the constitution of the United States and of the state of Wisconsin.

Power to sell goods, &c.

§ 8. That for the convenience of the laborers and others, said company may sell goods, wares, and merchandize at their place or places of business; *Provided*, They pay the same tax or license which individual merchants or dealers in like articles are required by law to pay.

Company may construct railroad.

§ 9. That said company shall be authorized to construct a railroad with single or double track, with such side tracks, turn outs, offices, and depots as they may deem necessary to carry out the object of the said corporation, from any such mine to any other railroad or navigable waters, or place within or upon the borders of this state.

§ It is the opinion of the senate and assembly that the objects sought under this bill cannot be reached by any laws now in existence.

§ 11. This is declared to be a public act and a printed copy may be used in evidence.

§ 12. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

CHAPTER 213.

AN ACT to amend chapter 394 of the laws of 1851, entitled "an act to incorporate the Madison Mutual Insurance Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. That third section of chapter 394 of the laws of 1851, entitled "an act to incorporate the Madison Mutual Insurance Company," is hereby amended so as to read as follows: "Section 3. "Every person who shall at any time become interested in said company by insuring therein, and the heirs, administrators, or assigns, of said persons, continuing to be insured therein, agreeably to the provisions of this act, where a premium note has been given on account of the per centage paid for premiums on such insurance, subject to assessment, shall be deemed and taken to be mem-

CHAPTER 218. bers of said company for and during the term specified in their respective policies, and no longer, and shall at all times be concluded and bound by the provisions of this act. The company shall have power in their discretion to make any and all insurance which it is or may hereafter be authorized to make, to any person or persons with whom it may agree to that effect for a specific of premium to be paid in cash, in the same manner as insurance companies other than mutual insurance companies are accostomed to do; and in all such cases the insured shall not become members of the company, nor be in anywise entitled to any share of the profits, premiums or earnings, nor in anywise liable for the losses, debts or liabilities of the said company, and all premiums received for such insurance shall be passed to the general credit of the company; and all losses growing out of said special policies shall be paid in like manner as losses under the ordinary policies of the company. The business and property of said company shall be managed by a board of not more than seventeen directors, the number to be determined upon by a vote of the stockholders to be had at the time of the election of said directors. The directors shall be elected on the first Monday of January in each year, at such hour of the day at the village of Madison, in the county of Dane, and state of Wisconsin, as the board of directors for the time being shall appoint, of which election public notice shall be given in one or more of the public newspapers printed at Madison, at least thirty days preceding such election, and such election shall be holden under the inspection of the board of directors, and such election shall be made by ballot, and by a plurality of the votes of the members then present, or their proxies, allowing one vote for every hundred dollars each member shall have insured in said company, and every member may vote in person or by proxy at his pleasure, at any election of directors of said company, and his membership shall be ascertained by the records and entries in the office of the secretary of said company, and no oath shall be administered to any member offering to vote in person, or required to be attached to his appointment when offering to vote by proxy.

Board of Directors.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

CHAPTER 214.

AN ACT to legalize certain acts of the Board of Supervisors of Sheboygan County at their meeting in November, 1858.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The action of the board of supervisors of the county of Sheboygan, Novembe, 1858, in voting to raise the sum of two thousaud dollars, in addition to the other items by them specified, for the purchase of materials and repairs upon the harbor at the mouth of Sheboygan river, in connection with a like amount raised by the city of Sheboygan, all to be expended under the direction of the City of Sheboygan Harbor Commissioners, is hereby legalized and declared to be valid and binding for all intents and purposes therein contemplated, and hereby requires the chairman and clerk of said board of supervisors to execute the orders for the same. Acts declared legal.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

CHAPTER 215.

AN ACT to lay out and establish a State Road from Michicatt, in Manitowoc county, to Ahnepee, in Kewaunee county, and to provide for a special tax to improve the same.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That John Kellen and John N. Struthers of Manitowoc county, and Robert Wheatley, John Axtell and Mathias Simon of Kewaunee county, be and they are hereby appointed commissioners to lay out and establish a state road, commencing at the south east corner of section No. (21) in township No. (21) of range No. (23) from thence north six miles to the south east corner of section No. (21) in township No. (22) of range No. (23) from thence diagonally across sections No. (22) of said township No. (22) of range No. (23) to the north east corner of the same, from thence north to south east corner of section No. (15) in township No. Commission to lay out a State road.

CHAPTER 215. (24) of range No. 33 east, from thence through the towns of Casco and Wolf, to the village of Ahnepee.

Oath of office and bond.

§ 2. Before entering upon the duties required by this act the said commissioners shall take and subscribe an oath or affirmation to perform such duties faithfully and impartially, and shall execute a bond to the officers hereinafter named in the penal sum of two thousand dollars with such surety or sureties as the officer hereinafter named shall approve, conditioned for the faithful and just expenditure of all moneys that may come in to their hands or the hands of either of them by virtue of this act and for the faithful performance of all their duties under this act. The commissioners living in the county of Manitowoc shall file their oaths or affirmations with the town clerks of the town of Micicott in said county, and execute their bonds to the supervisors of said town. The commissioners living in the county of Kewaunee, shall file their oaths or affirmations with the town clerk of the town of Franklin, in ins aid county and execute their bonds to the supervisors of said town, said bonds and sureties to be approved by the clerks of the aforesaid towns. The said supervisors are hereby authorized to prosecute the said bonds whenever the conditions thereof shall be broken and shall have power to require said commissioners to account to them as often as they may deem necessary and also to fill vacancies which may from any cause occur in said board of commissioners.

§ 3. The said commissioners may appoint a clerk and treasurer.

Clerk shall make out an assessment roll.

§ 4. On or before the first day of July, A. D. 1859, the clerk appointed under this act shall make out an assessment roll containing a description of all the lands and lots lying along the line of said road and within one mile of said road, which in the opinion of said commissioners will be particularly benefited by the improvement of said road; and shall set down on said roll as far as can be ascertained, the names of the owners of such lands and lots respectively and on completion of said roll the commissioners shall meet on such day in the month of June or July, A. D. 1859, and at such place as they may agree upon, for the purpose of laying an assessment on said lands and lots, and they shall assess the same at their true cash value, setting down opposite to each tract or lot of land described, in said roll the valuation as ascertained.

§ 5. Said commissioners shall lay such tax on all the lots and lands aforesaid as in their opinion may be necessary to improve said road and render the same passable as a wagon road not to exceed (50) mills on the dollar. The said clerk shall therefrom calculate and carry out such tax opposite each tract or lot therein described. Tax on lots.

§ 6. On or before the first day of August, A. D. 1859, the treasurer appointed under this act may proceed to collect the taxes in said roll in the same manner and with like powers as town treasurers are authorized by law to collect other taxes. Collection of tax.

§ 7. Any person charged with taxes in said roll may work out the same at one dollar per day under the direction of said commissioners or either of them or by furnishing materials at such prices as may be agreed upon. Tax may be worked out.

§ 8. In the event of any part of the tax remaining unpaid or any of the property described in said roll, it shall be the duty of the treasurer or one of said commissioners on or before the first day of November next, to make out a list of such delinquent lands or lots and return the same to the town clerks respectively of the several towns through which the road runs, and it shall be and is hereby made the duty of said town clerks to enter such unpaid taxes in their respective tax list for the year 1859, opposite the proper description of lands and lots and such unpaid taxes shall then be collected by the town treasurers of said towns respectively in money at the time and in the manner of collecting county, state and other taxes. It shall be the duty of such treasurer to pay over all such moneys collected by them to said commissioner on demand, of any of them, taking proper vouchers therefor, in case any part of said taxes shall not be collected by such treasurers they shall return the same with other delinquent taxes to the county treasurers, who shall collect the same as other taxes are by them collected and proceed to the sale of said land for the non-payment of such taxes as in other cases, and it shall be the duty of the county treasurers and clerks of county boards of supervisors into whose hands any of such delinquent taxes shall come to pay the the same to the said commissioners, and said officers are hereby made liable on their official bond for such monies in the same manner as is now provided by law touching their liabilities for other monies. Delinquent lands, &c. Sale of lands for non-payment of taxes.

CHAPTER 216.

Duty of Commissioners.

§ 9. It shall be the duty of said commissioners to expend the money so collected and apply the money on said road, in such manner as will improve the same to the best advantage and they shall proceed with the same without unnecessary delay.

Compensation, &c.

§ 10. A majority of said commissioners shall constitute a quorum to transact any business provided for in this act, and each commissioner shall be entitled to receive one dollar and fifty cents (1,50) per day, for every day actually and necessarily spent in the discharge of their duties, under this act, *Provided*, No such expense shall be chargeable to the State.

Approved March 19, 1859.

CHAPTER 216.

AN ACT to authorise the Supervisors of the town of Winneconne, in Winnebago county, to purchase a bridge.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to purchase the bridge.

SECTION 1. The supervisors of the town of Winneconne, in the county of Winnebago, in this state, are hereby authorized to purchase for said town the Winneconne bridge, now built across the Wolf river, at the village of Winneconne, in said county, and to pay for the same, the bonds of said town, payable in five years or a less time if they shall so determine, with interest payable annually at the rate of seven per cent. at any place in or out of this state. *Provided*, Said supervisors shall not pay more than one thousand dollars for said bridge.

§ 2. Said bridge shall be kept in repair and attended the same as other bridges and highways in said town.

Bonds, election, &c.

§ 3. No bond or bonds shall be issued in pursuance of the provisions of this act, until a majority of the legal voters of said town voting on said question shall vote in favor of the same, at an election called by the said supervisors for that purpose, to be held in the town of Winneconne, at the usual place of holding elections in said town; at such election those voting in favor shall vote a ballot with the words inscribed thereon, "For the

Bridge," and those voting against, shall vote a ballot with the words inscribed thereon, "Against the Bridge." Three weeks previous notice of said intended election shall be given by printed handbills, posted up in six of the most public places in said town. Said election shall be conducted and the returns made and canvassed in the same manner as the annual town meetings of said town.

§ 4. This act shall take effect from and after its passage.

Approved March 19, 1859.

CHAPTER 217.

AN ACT to amend an act, entitled an act to incorporate the village of Waterloo, approved March 15th, 1859.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 10 of said is act hereby amended by striking out all after the word "Waterloo," where it occurs in the 16th line of said section, to the word "and," in the beginning of the 31st line in said section, and insert in lieu thereof the following, except for the purpose of electing a chairman of the board supervisors of said town of Waterloo, and for that purpose it is hereby declared lawful for the legal voters of said village to assemble at the election polls of said village on the first Tuesday of April, A. D., 1859, and at such times thereafter as may be hereafter provided by law for the annual election of chairman of the board of supervisors in said town, and then and there vote by ballot for a chairman of the board of supervisors for said town; said chairman may be selected from either the town or village of Waterloo as a majority of the voters shall by their ballots determine all ballots for said supervisors shall be deposited in a separate ballot-box, to be provided and kept for that purpose by the election board of said village. The polls of said election shall not be kept open at a later hour than 4 o'clock in the afternoon of said day of election of said supervisor. As soon as the polls shall be closed, the board of inspectors of elections as provided for in said

Amendment.

CHAPTER 217.

Canvass of votes.

act to which this is amendatory, shall immediately proceed to canvass the votes cast for chairman of the board of supervisors of said town, and when so canvassed announce the result publicly, and said board shall then proceed forthwith to make out a certified statement of said votes for said supervisors, and shall seal the same up in a safe manner and cause the same to be forwarded forthwith to the board of inspectors of election of said town of Waterloo then presiding at an election poll for the election of town officers of said town then being held, and said board of inspectors of said town shall receive said certified statement of votes cast at said village election poll, and shall include the same in their canvass in all respects the same as though said votes had been received and deposited at the poll over which they were presiding, and it is hereby provided that hereafter the board of inspectors of elections of said town presiding at any town meeting shall not close up their canvass and announce the final result until the returns of said village vote cast for chairman of the town board of supervisors has been by them received, or until 8 o'clock in the afternoon of said day of election of town officers of said town, and said chairman of the town board of supervisors when so elected shall be the representatives of said village as well as of said town, for all purposes whatever.

Amendment.

§ 2. Section 22 of said act is hereby amended, by striking out the word "bock," when it occurs in said section, and insert the word "block."

Ibid.

§ 3. Section 27 of said act is hereby amended, by inserting after the word "Jefferson," the words "county for such time as shall have been."

Ibid.

§ 4. Section 32 of said act is hereby amended, by inserting the word "day" after the word "every," where it first occurs in said section.

Repealed.

§ 4. This act shall take effect and be in force from and after its passage and so much of the act to which this is amendatory as conflicts with this act, is hereby repealed.

Approved March 19, 1859.

CHAPTER 218.

AN ACT to amend section 6 of chapter 6 of the laws of 1852, entitled "an act to authorize the borrowing of money to construct a harbor at the mouth of Sheboygan River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of the above entitled act is hereby so amended as to authorize and empower the city council of the city of Sheboygan, and the board of supervisors of the county of Sheboygan, or either of them, to levy and collect in each year such sum of money as they or either of them may deem necessary for that purpose, for the improvement and preservation of the harbor and harbor piers at the mouth of the Sheboygan river, which sum shall be levied and collected in the same manner that other taxes are levied and collected in said city or county, as the case may be. Amendment.

§ 2. This act shall be in force from and after its passage.

Approved March 19, 1859.

CHAPTER 219.

AN ACT to authorize School District Number four in the town of Port Washington in the county of Ozaukee, to borrow money.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. School district number four in the town of Port Washington in the county of Ozaukee is hereby authorized to borrow [money] for the use of the said district, a sum of money not exceeding one thousand dollars, at a rate of interest not exceeding twelve per cent. per annum, and the officers of the said school district are hereby authorized, in the name of said district to make and execute any pledge or security binding said district and the property thereof, that they may deem proper and advisable, to secure the payment of such money borrowed and the interest thereof. Authority to borrow money.

§ 2. This act shall take effect from and after its passage.

Approved March 19, 1859.

CHAPTER 220.

AN ACT to prevent certain ground from being used for burial purposes in the town of White Oak Springs.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Not to be used for burial purposes.

SECTION 1. The ground heretofore used for burial purposes situate on the east half of the south west quarter of section number thirty two, in township number one, north of range number two, east, of the fourth principal meridian, in the town of White Oak Springs, in the county of La Fayette shall not be used any longer by the public for burial purposes.

§ 2. Said ground heretofore used for burial purposes shall not be plowed or used for agricultural purposes within two years from the passage of this act.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

CHAPTER 221.

AN ACT to incorporate the Hebrew Benevolent Society of La Crosse,

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Body corporate

SECTION 1. Isaac Controvetz, Levi Strauss, Abraham Patz, Isaac Tuteur, Lewis Hieshiemer, Emanuel Newhoffe, Charles Hauseman, Abram Waldower, A. Wochenheim, Julius Hiesheimer and Phillip Prague, together with their associates, their heirs and assigns, are hereby created a body corporate under the name and style of "The Hebrew Benevolent Society of La Crosse" and as such society shall have power to purchase and hold in the right and name of said society, any quantity of land in any part of northwestern Wisconsin, not exceeding ten thousand acres at any one time; and the same to sell, convey or use for the benefit and purposes of said society at their pleasure.

Organization of society.

§ 2, Said society may organize at any time after the passage of this act by a meeting called by a majority of the persons named in the first section thereof;

and may by ballot elect from their number a president, secretary and treasurer and such other officers as said society may deem necessary, and a majority of the members of said society shall have power to make and and adopt such by-laws and rules and regulations from time to time for the government of the same as the members thereof shall deem advisable, and shall have power to enforce the same by such penalties as a majority of the members of the society may think proper to adopt.

Powers, &c.

§ 3. Said society shall have power and authority to raise and to contribute means to build a church if they deem it adviseable so to do, in which to worship God according to the Jewish faith, also to lay out and adopt a cemetery or place of burial for their dead, and also to levy and collect alms and contributions from the members of said society for the poor and indigent of their faith and race; and the said society shall have power and authority in the name of said society to sue and be sued, plead and be impleaded, defend and be defended in any of the courts of this state, and to do and transact all other needful business of said society.

Conveyance of real property.

§ 4. The conveyance of all real property by said society may be made valid and effectual by deed, properly executed by the president, secretary and treasurer of the same by the consent of the majority of the members thereof.

§ 5. This act shall take effect and be in force from and after its passage and publication.

"This bill was presented for my approval on the 14th of March, 1859, and was not returned within three days after it was so presented, but has been retained until this date. March 19, 1859."

ALEX. W. RANDALL."

CHAPTER 222.

AN ACT to incorporate the Fourth Ward Sabbath School Association of Racine.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Body corporate

SECTION 1. John Bull, William H. Jenks, Joseph B. Talcott, Moses Adams, Thomas Driver, and Aaron C. Lyon, and such other persons as may be associated

CHAPTER 223. with them, be, and they are hereby created a body politic and corporate with perpetual succession, by the name of the "Fourth Ward Sabbath School Association of Racine," and by that name shall be competent to contract and be contracted with, sue and be sued, answer and be answered unto in all courts of law and equity, to have a common seal and to change the same at pleasure; to acquire, hold, possess and enjoy, and to sell, convey and dispose of property both real and personal; *Provided however*, That nothing herein contained shall authorize the corporation hereby created to purchase, sell or dispose of or deal in any property except for purposes connected with their house of public meeting, and the grounds attached thereto.

By-laws, &c. § 2. Said association shall have power to adopt a constitution and by-laws for its government, to prescribe the number and title of its officers, and also the number of trustees, and to prescribe their powers and duties, and their term of office; and to do such other things as may be necessary for governing and promoting the interests of said association, not inconsistent with the constitution and laws of this State or of the United States.

§ 3. This act shall be in force from and after its passage.

"This bill was presented for my approval on the 14th of March, 1859, and was not returned within three days after it was so presented, but has been retained by me to this date, March 18, 1859."

"ALEX. W. RANDALL."

CHAPTER 223.

AN ACT to incorporate the Sumner Institute.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Body corporate SECTION 1. That Rev'ds. Hiram McKee, Leonard Dickens, Asa C. Haner, Marcellus Barnum, Harvey Amelon and E. W. Hivens, and Messrs. Bailey Pearson, Martin Allen, Noah Miles, L. Stillwell, James Webster and William Durand, and their successors in office, be and they are hereby created a body politic and corporate, to be styled the board of trustees of the Sumner

Institute, and by that name to remain in perpetual succession with full power to sue and be sued, plead and be impleaded, to acquire, hold and convey property, real and personal, to have and use a common seal, to make and alter from time to time such by-laws as they may deem necessary for the government of said institution, its officers and servants. *Provided*, Such by-laws are not inconsistent with the constitution and laws either of this State or the United States; also to have power to confer on those whom they may deem worthy all such honors and degrees as are usually conferred in like institutions.

Location, &c.

§ 2. That the said institution shall be located in the town of Lemonwier, Juneau county, and shall be erected on a plan sufficiently extensive to afford primary and academic instruction, literary and scientific, and the trustees may as their ability shall increase, and the interests of the country require, establish a collegiate department.

Appointment of officers.

§ 3. That the board of trustees shall have power to appoint a president, vice president, Secretary and treasurer, and such agents as they may deem necessary; also to appoint such officers, professors and teachers as the institution and government of the same shall require, and prescribe their duties, and to remove any of them for sufficient reasons. Also to prescribe and direct the course of studies to be pursued in the institution in its departments.

Board of Trustees.

§ 4. That the board of trustees shall consist of twelve members, who shall hold their first meeting at Metomen, Fond du Lac county, on the 28th day of September, 1859; and subsequent meetings either by adjournment or by a call of the president, two other members concurring, or by a call of any five members of the board giving at least in all cases ten days' notice to the other members of such meeting; and a majority of said board shall be necessary to constitute a quorum to transact any business. The board at its first meeting shall proceed to decide by lot its members into four classes, whose terms of service respectfully shall terminate in one, two three and four years. Said vacancies or any others when accruing to be filled by the Wisconsin Wesleyan Methodist Annual Conference at its regular annual sessions by ballot. *Provided*, That in case said Conference neglect to fill any vacancies caused by death, removal or the expiration of their term

CHAPTER 223. of service, then the board of trustees shall be authorized to fill such vacancies until the next session of said Conference. The president of the institute shall be ex-officio a member of the board of trustees.

Funds. § 5. That the board of trustees shall faithfully apply all funds by them collected or received, according to their best ability, in erecting suitable buildings, supporting the necessary officers, instructors and servants, in procuring books and apparatus necessary to the success of the institution. *Provided* nevertheless, That any donation or bequest made for any particular purpose not inconsistent with the designs of the institution, shall be applied in conformity to the conditions or designs expressed by the donor.

Bonds. § 6. That the treasurer of the institution shall always, and all other agents when required, before entering upon the duties of their appointment, give bonds for the security of the corporation and of the public in such penal sums and with sureties as the board of trustees shall approve.

Change of name. § 7. That should the Wisconsin Wesleyan Methodist Annual Conference deem it expedient at any time to change its name, such change shall not invalidate its right to appoint trustees according to the provisions of this charter.

§ 8. That no religious tenets or opinions shall be requisite for admission as a student in said institute, and no student of said institute shall be required to attend religious worship with any particular denomination.

§ 9. That in said institute no distinction shall be made on account of either sex, ancestry or color.

Power to amend. § 10. The legislature shall have power to alter, amend or repeal this act at any time, without any judicial investigation, vested rights to the contrary notwithstanding.

§ 11. This legislature is of opinion that the objects to be secured by this charter cannot be secured by a general law.

§ 12. This act shall be in force from and after its passage and publication.

Approved March 21, 1859.

CHAPTER 224.

AN ACT to repeal chapters fifty-six and two hundred and seven, of the private and local laws of 1856, entitled an act to incorporate the Douglas Mining company, and an act to incorporate the Wisconsin and Lake Superior Mining and Manufacturing company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapters 56 and 207 of the private and local laws of 1856 are hereby repealed. Repealed.

§ 2. This act shall take effect from and after its passage.

Approved March 21, 1859.

CHAPTER 225.

AN ACT to amend chapter 59 of the private and local laws of Wisconsin, Approved February 13th, 1855, entitled an act to incorporate the Beloit Gas Light and Coke company

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section (3) three of chapter fifty-nine of of the private and local laws of Wisconsin, approved February 13th, 1855, is hereby amended by striking out the last three words of said section, and insert in their stead, for the term of five years. Amendment.

§ 2. This act shall be in force from and after its passage.

Approved March 21, 1859.

CHAPTER 226.

AN ACT to legalize the laying out of certain roads, in the town of Beaver Dam, in Dodge county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the town of Beaver Dam, are hereby authorized to place on file and record the minutes of survey and all other papers relating to the laying out by the proper authorities of all Record of survey.

CHAPTER 227. roads of lawful width, in said town between the years 1845, and 1857, inclusive, and the the said road are hereby declared lawful and legal to all intents and purposes; *Provided*, That the papers above mentioned shall be recorded within six months from and after the passage thereof.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 21, 1859.

CHAPTER 227.

AN ACT to authorize N. Silverthorn and S. Dudley, to keep and maintain a pier and boom in the Mississippi river at the city of Prescott.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to keep a pier and boom.

SECTION 1. The following named persons, viz: Newman Silverthorn and Lemuel Dudley, their heirs and assigns, are hereby authorized and empowered to keep and maintain a pier and boom in Mississippi river, the city of Prescott, county of Pierce, and State of Wisconsin, within the following limits, viz.: commencing at the south end of South street, in said city of Prescott, thence northwesterly up the eastern bank of said Mississippi river twenty rods; thence westerly out into the said river forty feet from low water mark; thence south easterly parallel to the first line twenty rods; thence to the south end of said South street, to the place of beginning; *Provided*, That the erection of said pier and boom shall not interfere with navigation on said Mississippi river.

§ 2. This act shall take effect from and after its passage.

Approved March 21, 1859.

CHAPTER 228.

AN ACT to authorize the North-Western Bank to reduce its capital stock.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The North-Western Bank is hereby authorized to reduce its capital stock to a sum not less than fifty thousand dollars, upon filing with the Bank Comptroller a certificate from the Secretary of State that said bank has complied with the requirements of subdivision thirteen (13) of an act to amend chapter 479 of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business banking in the State of Wisconsin," approved May 15, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced; *Provided*, That said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section, and said bank shall be required to pay to the State Treasurer all taxes due the State on the full amount of its capital up to and including the day on which said certificate is filed with the Bank Comptroller. Authority to reduce capital stock.

§ 2. The president and cashier of North-Western Bank shall immediately after the passage of this act file in the office of register of deeds in the county where said bank is located and where its notes are redeemed, a certificate under oath stating the sum to which the capital stock of said bank is reduced. Duty of President and Cashier.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

CHAPTER 229.

AN ACT for the relief of Charles K. Bingham.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for Charles K. Bingham or his legal representatives to select from any un- Relief.

occupied school lands in this State, six hundred and forty acres of land in forty acre tracts, and when so selected, and certified by the commissioners of school and university lands, the governor shall issue a patent for the same—*Provided*, That at the time of the delivery of the patent or patents, the said Charles K. Bingham or his legal representatives shall execute to the state a quit claim deed of section 16, in town 23, range 22, east containing 640 acres, and also, surrender patent No. 709, issued September 14th, 1855, which patent is for the above described land.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

CHAPTER 230.

AN ACT to amend an act entitled "an act to incorporate the Fox Lake and Wisconsin River Rail Road Company, approved March 5th, 1857.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section 14 of chapter 254 of the private and local laws of 1857, entitled "an act to incorporate the Fox Lake and Wisconsin River Rail Road Company," is hereby amended by striking out the words, "not less than five miles," in the second line of said section.

§ 2. Section 18 of said act is hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

CHAPTER 231.

AN ACT to annex certain territory to the town of Hudson.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Territory detached and annexed.

SECTION 1. All that part of the third ward of the city of Hudson, in St. Croix county, lying north and west of Willow River in said city, is hereby detached from the said city of Hudson and annexed to the town of Hudson: *Provided*, That nothing in this act shall be

so construed as to prevent the collection of taxes already assessed upon said territory: *Provided, also*, That nothing in this act shall be construed to release said territory from its portion of the present city indebtedness, and the city of Hudson is hereby authorized to levy and collect said taxes the same as if this act had not passed.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

CHAPTER 232.

AN ACT to revive an act of the Territory of Wisconsin, approved 20th February, 1848, granting the right to A. L. Gregoire and George W. Jones to keep and maintain a ferry across the Mississippi River, and repealing an act therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act granting to A. L. Gregoire and George W. Jones the right to keep and maintain a ferry across the Mississippi river, approved February 12th, 1848, is hereby revived. Act revived.

§ 2. The act granting to Timothy Fanning the right to keep and maintain a ferry across the Mississippi river, approved 4th of March, 1853, is hereby repealed. Repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

CHAPTER 233.

AN ACT to authorize the county of Polk to assess and collect taxes in the county of Burnett.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the county of Burnett is hereby attached to the county of Polk for legitimate county purposes, and all taxes shall be assessed by the assessor of Polk county, and returned in said county. County of Burnett attached to county of Polk.

§ 3. This act shall take effect from and after its passage.

Approved March 19, 1859.

CHAPTER 234.

AN ACT to amend an act entitled "a bill to amend an act entitled an act to incorporate the city of Madison.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to levy a tax.

SECTION 1. The act amending the charter of the city of Madison, approved February 1st, 1858, shall not be so construed as to prevent the common council of said city from levying upon the assessment roll a tax equal in amount to any interest not otherwise provided for, upon all bonds lawfully issued by the said city of Madison, which had accrued or become due upon such bonds prior to said 1st day of February, A. D. 1858; and section five of the act of which this is amendatory is so amended as to authorize the common council of said city to levy a tax upon the assessment roll equal in amount to the interest not otherwise provided for, upon all such bonds which had so accrued or become due thereon, previous to the passage of said act.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

CHAPTER 235.

AN ACT to amend section one of "an act to amend section three of chapter 166 of the private and local laws of 1853, entitled 'an act to incorporate the North-Western Insurance Company.'"

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Election of six additional Directors.

SECTION 1. Section one of "an act to amend section three of chapter 166 of the private and local laws of 1853, entitled an act to incorporate the North-Western Insurance Company," approved February 24th, 1859, is hereby amended, by adding after the last word in said section one the following words: "And the present directors are hereby authorized and empowered to elect, at a meeting to be called for that purpose, six additional directors of said company, who shall hold their offices until their successors shall be elected and qualified."

§ 2. This act shall take effect immediately.

Approved March 19, 1859.

CHAPTER 236.

AN ACT to lay out a State road from Portage City to Prairie du Sac.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That William McKenzie, of Portage, Egbert Carry, of Prairie du Sac, and William McClish, of Caledonia, in Columbia county, are hereby appointed commissioners to lay out and establish a state road from Portage City to Prairie du Sac, on the most feasable and practicable route. Commission to lay out a State road.

§ 2. No part of the expense of laying out said road shall be chargable to the State.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

CHAPTER 237.

AN ACT to authorize the laying out of a State road from Tomah, in Monroe county, to Naples, in Buffalo county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Robert E. Gillett, James Davis and Harvey P. Farrington be and they are here by appointed commissioners to lay out and establish a state road from Tomah, in Monroe county, to Naples, in Buffalo county, the same to be laid out on the most direct and feasble route through the valley of Robinson's Creek and the Trempeleau between said points. Commission to lay out a State road.

§ 2. A majority of said commissioners shall constitute a quorum for the transaction of the business, and before laying out said road, the said commissioners shall cause a copy of this act, with a notice of the time and place of the meeting of the said commissioners, to be published in some newspaper in Monroe county for two successive weeks, which publication shall be sufficient notice to all persons interested in the laying out and establishing of the said road.

3. Said commissioners shall be entitled to a reasonable compensation for their services and expenses in

CHAPTER 238. viewing and surveying said road, which shall be allowed and paid by the counties through which said road shall run.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

CHAPTER 238.

AN ACT to incorporate the "St. Antoine Society" of the town of Green Bay.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Body corporate

SECTION 1. John H. W. Wigman, Christian Craaman, Martin Van Rosmalon, John Vanden Heurd, G. Van Laanan, M. Van Roy, John Van Laanan, Frank Vanden Sanden, Christ. Van Leishaut, Henry Van Laanan, Henry Sybert and F. Limpergen, who have united themselves into an association for the purpose of affording help and relief to their members, and by contributing to the expense for burying their dead and other benevolent purposes, are hereby declared and constituted a body corporate and politic, by the name of St. Antoine Society, located in the town of Green Bay, in the county of Brown.

Powers.

§ 2. The said association shall have power to contract and be contracted with, to sue and be sued, to implead and be impleaded with, to answer and be answered unto in all courts of this State, and shall be vested with all the powers and privileges necessary to carry out and fulfill the objects of this corporation.

Ibid.

§ 3. The said corporation shall further have power to establish for its government a constitution and by-laws not inconsistent with the constitution and laws of this State, to have and to use a common seal and to alter the same at pleasure, and to take, by gift, grant or devise, and to hold and convey real and personal property, not exceeding in value twenty-five thousand dollars.

Trustees.

§ 4. The members of this association shall have power to assemble at such times and places as may be agreed upon, and they shall elect any number of discrete persons of their association, not less than three nor

more than nine in number, as trustees, to take charge of the real and personal property belonging thereto, and to transact all business relative to the investment and disposal thereof.

Election of officers, &c.

§ 5. It shall be lawful for said association to elect or appoint a secretary and such other officers as the condition and circumstances of the corporation may require, and to prescribe their powers and duties, and require bonds for the faithful performance thereof, in such penal sum and with such sureties as they may choose.

Term of office.

§ 6. The directors, and all other officers, shall hold their term of office for one year, except when otherwise provided for in their constitution.

Duty of Secretary.

§ 7. It shall be the duty of the secretary to keep and file in his office all the books and papers belonging to said corporation, and copy all the by-laws made by said corporation in a book kept for that purpose, and shall also enter in said books the names of all persons who may become members of said corporation.

Collection of fines.

§ 8. Any member of said corporation shall be subject to any fine imposed by said association for the neglect of any duties imposed upon them by virtue of their office, which fine may be collected in the name of said association before any justice of the peace in said county.

Property of association.

§ 9. The property, real and personal, of said association shall be devoted solely to the purpose and object of said association, and all real and personal estate which may hereafter be lawfully conveyed by devise, gift, grant, purchase or otherwise to said association, shall [descend] with improvements in perpetual succession, and shall be held by said trustees and their successors in office, in trust for said corporation.

§ 10. In the judgment of the legislature it is inexpedient to provide by general laws for the incorporation of associations for the purpose and with the powers prescribed in this act, and therefore the object cannot be obtained except by special acts.

§ 11. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

CHAPTER 239.

AN ACT to authorize the laying out of a State road in the counties of Bad Ax and Monroe.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission to lay out a State road.

SECTION 1. Thomas J. Seaman, E. W. Hopkins and James Thomson, or a majority of them, be and are hereby appointed commissioners to lay out and establish a state road, commencing at the present terminus of a public road on the east side of section one (1) in town fourteen (14) north, of range three (3) west, in the county of Bad Ax, and running in the most direct and practicable route to the road known as the Johnson road, on the west side of section eighteen (18), in township fifteen (15) north, of range two (2) west, in the county of Monroe.

Compensation.

§ 2. The commissioners shall be entitled to such compensation for their services from the counties through which the road passes, as the supervisors of said counties shall deem just. *Provided*, further, The state shall be at no expense for the same.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

CHAPTER 240.

AN ACT to incorporate The Mutual Life Insurance company of the city of Madison.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Body corporate

SECTION 1. S. Marshall, J. Richardson, S. V. Porter, T. Brown, G. B. Smith, A. A. McDonnell, H. S. Orton, S. Mills, N. B. Van Slyke, M. M. Davis, A. Proudfit, J. W. Warren, P. B. Simpson, P. H. Smith, E. Pier, L. Hanchett, G. C. Smith, A. W. Randall, E. Vincent, L. B. Vilas, and all other persons, who may hereafter associate with them, in the manner, hereinafter prescribed, shall be, and are hereby declared, a body politic and corporate, by the name of "The Mutual Life Insurance Company of the city of Madison," and by

that name, may contract and be contracted with, sue, and be sued, defend and be defended against, in any and all courts.

Powers.

§ 2. This corporation shall have no powers or privileges, except such as are expressly granted by this charter.

Ibid.

§ 3. The corporation hereby created shall have the power to insure the lives of its respective members, and to make all and every insurance appertaining to, or connected with life risks, and to grant and purchase annuities. The real estate which it shall be lawful for this corporation to purchase, hold, possess and convey, shall be:

1st. Such as shall be requisite for its immediate accommondation, in the convenient transaction of its business.

2d. Such as shall have been mortgaged to it, in good faith, by way of security for loans, previously contracted, or for money due.

3d. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

4th. Such as shall have been purchased at sales upon judgments, decrees, or mortgages obtained, or made for such debts.

Purchase of real estate.

The said corporation shall not purchase, hold, or convey real estate in any other case, or for any other purpose; and all such real estate, as shall not be necessary for the accommodation of said company, in the convenient transaction of its business, shall be sold and disposed of, within six years after the said company shall have acquired title to the same.

Term of membership.

§ 4. Persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators and assigns, continuing to be insured in said corporation as hereinafter provided, shall thereby become members thereof during the period they shall remain insured by such corporation, and no longer.

Corporate powers.

§ 5. All the corporate powers of the said company shall be exercised by a board of trustees, and such officers and agents as they may appoint. The board of trustees shall consist of thirty-six persons, all of whom must be citizens of this state. They shall elect a president annually, who shall be a member of the corporation; and they shall have power to declare by by-law, what number of trustees less than a majority of the

CHAPTER 240. whole, but not less than nine shall be a quorum for the transaction of business; and nine shall be such quorum until otherwise provided by by-laws. The trustees shall also have power to make all such by-laws as shall be needful or proper to the due exercise of the powers, hereby granted.

First Board of Trustees.

§ 6. The persons named in this act shall constitute the first board of trustees and they shall at their first meeting, divide themselves by lot, into four classes of five each. The term of the first class shall expire at the end of one year; the term of the second class shall expire at the end of two years, the term of the third class shall expire at the end of three years; the term of the fourth class shall expire at the end of the fourth year, and so on successively, each and every year. The seats of these classes shall be supplied by the members of this corporation, a plurality of the votes cast, constituting a choice, but an insurance of at least one thousand dollars in amount, shall be necessary to entitle any member to a vote. This section shall not be construed to prevent a trustee going out, from being eligible to a re-election. The board of trustees may fill any vacancies in their number occasioned by death, resignation, or by removal from the State. The election of trustees shall be held on the first Monday of June, 1860, and in each and every year at such place in the city of Madison as the board of trustees shall designate, of which they shall give at least four weeks previous notice in two of the public newspapers, printed in Madison, and the board of trustees, at the same time shall also appoint three of the members of the said corporation, inspectors, to preside at such election; and if any of said inspectors decline, or fail to attend, the trustees shall appoint others to fill such vacancies.

Vacancies.

Premiums.

§ 7. Every person who shall become a member of this corporation by effecting insurance therein, shall, the first time he effects insurance, and before he receives his policy, pay the rates that shall be fixed upon, and determined by the trustees; and no premium so paid, shall ever be withdrawn from said company except as hereinafter provided, but shall be liable to all the losses and expense incurred by this company during the continuance of its charter.

Rates.

§ 8. The trustees shall determine the rates of insurance, and the sums to be insured.

§ 9. It shall be lawful for said corporation to invest

the said premiums in the securities designated in the two following sections and to sell, transfer and change the same, and re-invest the funds of said corporation, when the trustees shall deem expedient. CHAPTER 240. Investment of funds.

§ 10. The whole of the premiums received for insurance by said corporation, except as provided for in the following section, shall be invested in bonds secured by mortgages on unincumbered real estate within this state. The real estate or property to secure such investment of capital, shall in every case be worth twice the amount loaned thereon. Ibid.

§ 11. The trustees shall have power to invest a certain portion of the premiums received, not to exceed one half thereof, in public stocks of the United States, or of this State, or of any incorporated city of this state. Ibid.

§ 12. Suits at law may be maintained by said corporation against any of its members, for any cause relating to the business of said corporation. Suits at law may also be prosecuted and maintained by any member against said corporation for loss by death, if payment is withheld more than three months after the company is duly notified of such losses, and no member of the corporation shall be debarred his testimony as a witness in any such cause on account of interest in such suit, or of his being a member of said company, and no member of the corporation not being in his individual capacity a party to such suit, shall be incompetent as a witness in any such suit, on account of his being a member of said company. Suits at law.

§ 13. The officers of said company, at the expiration of five years from the time that the first policy shall have been issued and bear date, and within sixty days thereafter, and during the first sixty days of every subsequent period of five years shall cause a balance to be struck of the affairs of the company, and shall credit each member with an equitable share of the profits of said company; and in case of the death of the party whose life is insured, the amout standing to his credit at the last preceding striking of balance as aforesaid, shall be paid over to the person entitled to receive the same; any member who would be entitled to share in the profits who shall have omitted to pay any premium or any periodical payment due from him to the compapany may be prohibited by the trustees from sharing in the profits of the company. No member, except of- Profits and losses.

ficers of the company and agents thereof, shall be personally liable for the losses of the company; and such officers and agents severally shall be liable but only for the losses arising by reason of their own respective neglect or misconduct.

Statement of affairs of Company.

§ 14. On some day in the first thirty days after the expiration of the first five years from the time when the said company shall issue its first policy, and within the first thirty days of every subsequent five years the officers of said company shall cause to be made a general balance statement of the affairs of said company, which shall be be entered in a book prepared for that purpose, which shall be subject to the examination of every member of the company during the usual hours of business, for the term of thirty days thereafter. Such statement shall contain:

1st. The amount of premiums received during the said period.

2d. The amount of expenses of said company during the same period.

3d. The amount of losses incurred during said period.

4th. The balance remaining with the said company.

5th. The nature of the security on which the same is invested or loaned, and the amount of cash on hand.

Annual statement.

The said company shall also make and transmit to the secretary of state, on the first Monday of June in each year, a full statement of its affairs, in the same or like manner as moneyed corporations are required to do.

Location.

§ 15. The operations and business of this corporation shall be carried on in the city of Madison, at such place as the trustees shall direct, so far as the same can be done at a principal office.

Issue of policies

§ 16. No policy shall be issued by said company until application shall be made for insurance in the aggregate for two hundred thousand dollars at least.—The trustees shall have the right to purchase, for the benefit of the company, all policies of insurance, or other obligations issued by the said company.

Any married woman may insure the life of her husband.

§ 17. It shall be lawful for any married woman, by herself and in her name, or in the name of any third person, with his assent as her trustee, to cause to be insured for her sole use, the life of her husband, for any definite period or for the term of his natural life; and

in case of her surviving her husband, the sum or nett amount of the insurance becoming due and payable by the terms of the insurance shall be payable to her, to and for her own use, free from the claims of the representatives of her husband or of any of his creditors; but such exemption shall not apply where the amount of premium annually paid shall exceed three hundred dollars. In case of the death of the wife before the decease of the husband, the amount of the insurance may be made payable after death to her children, for their use, and to their guardian if under age.

§ 18. This act shall be perpetual.

By-laws, &c.

§ 19. The Mutual Life Insurance Company, of the city of Madison, shall have a common seal, and shall have power to make re-insurance of any risk which they may have taken, and may make all such by-laws, not inconsistent with the constitution and laws of this State, as may be deemed necessary for the appointment of its officers and agents, and the conduct of its affairs, in the various cities and towns of this State and of sister states and foreign governments, as the said corporation may deem most for its interest.

Defalcation.

§ 20. Any officer, agent or trustee, who shall be convicted of having abstracted or taken any money or eviddence of debt, or property belonging to this corporation, and shall have disposed of it, or have placed it beyond the reach of the officers of this corporation, without having first had the authority from the board of trustees, or from the finance committee, by a resolution entered upon their books so to do, shall be deemed guilty of felony, and shall be adjudged to pay a fine in a sum not exceeding five times the amount of the sum proved to have been abstracted, and shall be sentenced to confinement in the state prison, for not more than five years in the discretion of any court having cognizance thereof.

§ 21. Any member of this company shall have the right to vote by proxy as well as in person.

§ 22. It is hereby declared, that in the judgment of the legislature of this state, the objects of the foregoing corporation cannot be attained under general laws.

§ 23. This act shall take effect and be in full force from and after its passage.

Approved March 19, 1859.

CHAPTER 241.

AN ACT to amend an act, entitled an act to incorporate the village of Waupun, approved March 6th, 1857.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. Section three of an act to amend an act, entitled an act to incorporate the village of Waupun, approved March 6th, 1857, is hereby amended by striking out the words, first Monday in April, wherever the same shall occur in said section, and insert in lieu thereof the words, first Tuesday in April, annually thereafter.

Amendment. § 2. Section 38 of said act is hereby amended by striking out the words, or repaired and or repairing, in said section, and shall add to said section the words,—and whenever any side-walk in said village shall need repairing, the street commissioner shall be required to notify the owner or occupant of said lot or lots that such repairs are necessary and if said owner or occupant shall not, within eight days after said notice is given, repair or cause to be repaired, said side-walk, the street commissioner shall repair said side-walk, and the cost of said repairs shall be taxed against said lot or lots, and collected as provided in said act.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1859.

CHAPTER 242.

AN ACT to establish an election poll.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Election poll. SECTION 1. An election poll is hereby established at or near the Rut River Post Office, in the town of Winchester, Winnebago county, for all general elections that may hereafter be held.

Inspectors. § 2. The supervisors of the said town at least eight day before any general election shall appoint three inspectors of election for such poll.

§ 3. If one of such inspectors shall fail to attend at the usual time of opening the polls, the other two shall select a third; if two shall fail to attend as aforesaid, the electors present at the time for opening the polls shall viva voce choose two inspectors; if all shall fail to attend, or if said supervisors shall fail to appoint such inspectors, they shall select, by viva voce, three inspectors; and such inspectors that may be elected or appointed as aforesaid shall select and appoint the requisite clerks. CHAPTER 243. Ib.—Vacancies

§ 4. Such inspectors and clerks shall be qualified as now provided by law for the qualification of inspectors and clerks of election, and such poll shall have all the rights, powers and privileges of other election polls and shall be conducted, and make their returns in the same manner. Qualifications.

Approved March 19, 1859.

CHAPTER 243.

AN ACT to authorize the Towns, Cities and Villages through which or near which the Manitowoc and Calumet Village Plank Road runs, to loan their credit to aid in the construction of the same.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for any town, incorporated city or village through or into which or within one mile thereof, a plank road may be located by the Manitowoc and Calumet Village Plank Road Company, authorized to construct a plank road leading from Manitowoc, county of Manitowoc, to Calumet village, in the county of Fond du Lac, are hereby authorized to subscribe in the name and for the benefit of such town, incorporated city or village, to the capital stock of the Manitowoc and Calumet Village Plank Road Company, an amount not exceeding thirty thousand dollars in each of said towns, incorporated cities or villages. Towns may loan their credit.

§ 2. The said towns, incorporated cities or villages, respectively, for the purpose of paying for the stock authorized to be subscribed for by this act, are hereby authorized to issue the bonds or obligations of said towns, incorporated cities or villages, signed by the proper officers of the same, in amounts not less than five hundred dollars, which bonds or obligations shall May issue bonds.

be made negotiable, bearing interest at the rate of not more than ten per cent. per annum, payable annually at any place in or out of this State, and such bonds or obligations shall be made redeemable at any time not exceeding twenty years from their respective dates: *Provided*, That the whole amount of bonds to be issued by any such towns, cities or villages shall not, in the aggregate, exceed ten per cent. of the assessed value of the real estate situate within such town, city or village, as the same was returned upon the assessment rolls for the year previous to the year in which such bonds shall be issued.

Register of bonds, &c.

§ 3. The said towns, incorporated cities and villages shall keep an accurate register of all bonds or obligations issued under the provisions of this act, showing the dates numbers and amounts, thereof, to whom issued and when payable, and they shall also cause to be kept in the office of the town, incorporate city or village treasurer of their respective towns, incorporate cities or villages, such books of entries as will fully exhibit all liabilities, receipts, and disbursements, and the precise indebtedness of such towns, incorporate cities or villages arising in any manner under this act.

Payment of bonds and interest.

§ 4. The faith of any town, incorporate city or village subscribing for stock under this act, and the nett profits or dividends upon the stock so subscribed by said towns, incorporate cities or villages, shall stand pledged for the payment of the said bonds or obligations and the interest which may become due from said towns, incorporate cities or villages under this act; and it is hereby made the duty of the said town, incorporate city or village officers to add and levy such per centum of tax to and upon the assessment rolls, of all taxable property in such towns, incorporate cities or villages, to be collected as other town, incorporate city or village taxes, as shall be sufficient, when added to the dividends or nett profits aforesaid, to pay the accruing interest and expenses on said bonds or obligations or in any manner arising under this act, and also to provide a sinking fund of such amount as they may deem expedient, for the ultimate payment of the said bonds or obligations, and the moneys so levied, when collected like other taxes of said towns, incorporate cities or villages, shall be applied to the purpose aforesaid and none other, and the coupons for the interest of said bonds and obligations that shall be past due, shall be receivable

Sinking fund.

s money by the several treasurers of said towns, ıcorporate cities or villages, in payment of taxes conained in their tax lists respectively.

Road Commissioner—his duties, &c.

§ 5. The proper officers of said towns, incorporate ities or villages, respectively, shall annually appoint ne road commissioner, who shall attend the annual or pecial meetings of the stockholders of said plank road ompany for the election of directors thereof, and shall e entitled to cast one vote for every share of stock vhich said town, incorporate city or village shall hold r own in said company, and in case of his absence or nability to attend, to appoint, in writing under their ıand, some other person who shall have the same pow-r, and the said town, incorporate city or village are ıereby authorized, whenever they deem it expedient, o sell and transfer any and all stock owned by such owns, incorporate cities or villages in said company in order to pay off the indebtedness which may arise under this act, and the proceeds of such sale be applied o the extinguishment of an equivalent amount of the ndebtedness of the said towns, incorporate cities and villages created under this act.

Issue of bonds, &c.

§ 6. The said proper officers of the said towns, incorporate cities or villages are hereby authorized and required to issue the bonds or obligations of said towns, incorporate cities or villages, in manner and form aforesaid, and according to the provisions of this act, and deliver the same to the Manitowoc and Calumet Village Plank Road Company to the amount of their respective subscriptions, in payment of the subscription of that amount heretofore made by them to the capital stock of said company in pursuance of this act.

Election to decide whether officers shall subscribe to capital stock.

§ 7. That before any stock shall be subscribed by the proper officers of any towns, incorporate cities, or villages aforesaid to the said plank road company under the provisions of this act, the question shall be submitted to the qualified electors residing within the limits of such towns, incorporate cities or villages, in the manner following, to wit: on the written application to the proper officers of said towns, incorporate cities or villages of five or more qualified electors of said towns, incorporate cities or villages, which application shall specify the amount of stock they desire said proper officers to subscribe to the capital stock of said plank road company, for the benefit of such towns, incorporate cities or villages, it shall then be the duty of the

CHAPTER 243. proper officers of such towns, incorporate cities or villages to give notice by publishing in one or more newspapers published in the said towns, incorporate cities or villages at least ten days before the time specified in said notice for holding said election, a printed notice setting forth that on a certain day, at a certain place therein mentioned, an election will be held in such towns, incorporate cities or villages for the purpose of deciding whether the proper officers of the said towns, incorporate cities or villages shall subscribe in the name and for the benefit of said towns, incorporate cities or villages to the capital stock of the Manitowoc and Calumet Village Plank Road Company, the amount specified in the application aforesaid, which amount shall be specified in the notice, an election shall be held and vote taken by ballot of said election shall be conducted in all respects as provided for holding town, city or village meeting, and each voter shall deposit his ballot with the words written or printed on the same, "For Subscription," or "Against Subscription," and if it appears that a majority of the votes given are in favor of such subscription, the same shall be made in the manner provided for in this act, but not otherwise.

Bonds to be signed by proper officers.

§ 8. For the purpose of giving effect to the provisions of this act, the proper officers of every town, incorporate cities or villages mentioned in this act, are hereby declared to be the chairman of the board of supervisors and town clerk in each town, the mayor and city clerk of such incorporated cities, and the president and clerk of each incorporated village, and all bonds issued by any of the said towns, incorporated cities or villages shall be signed by the proper officers, as aforesaid, of the said towns, cities, and villages under their corporate seals respectively.

§ 9. It is the opinion of this legislature that the objects of this bill cannot be obtained under general laws.

§ 10. This act shall take effect and be in force from and after its passage.

Approved March 21, 1859.

CHAPTER 244.

AN ACT to provide for laying out a State road therein described.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. John S. Colton, Charles L. Ferris and William R. Warren are hereby appointed commissioners to lay out and establish a state road, commencing at the quarter stake on the section line between sections three (3) and ten (10), in town six (6), range eight (8) east, thence east to the north-east corner of section ten (10), thence east to the quarter stake on the section line between sections two (2) and eleven (11), thence east to center of town road running from Harris' Corner to town line road between Middleton and Venna, said road being one and three-fourths miles long. *Provided*, That no part of the expense of the laying out of such road shall be paid out of such road shall be paid by the State of Wisconsin. Commission to lay out a State road.

§ 2. The cost and expense for laying out said road shall be chargable to and paid by the town of Venna in the county of Dane, the accounts therefore to be audited and paid as other accounts are audited and paid by towns. Expense.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 21, 1859.

CHAPTER 245.

AN ACT to incorporate the Manitowoc Library and Scientific Association.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jacob Lueps, S. A. Wood, William Bach, William Vette, Charles W. Fitch, Charles Hottelmann, Richard Klingholz, Henry Baetz, Charles Walker and F. Solomon, and such other persons as may hereafter from time to time become associated with them, are hereby constituted a body corporate, by the name of the "Manitowoc Library and Scientific Association," and by that name to remain perpetual succession, for Body corporate

CHAPTER 245. the purpose of establishing and maintaining a library and reading-room, embracing in its purposes literary and scientific lectures, and providing other means of moral and intellectual improvement.

Powers. § 2. The corporation hereby created may, in its corporate name, acquire, take, hold, transfer and convey real and personal property and estate to the amount of twenty thousand dollars, and also to take, hold and convey all such books, cabinets, library, furniture and apparatus as may be necessary for the attaining the objects and carrying into effect the purposes of said corporation.

Officers. § 3. The officers of said association shall consist of a president, a vice-president, a secretary, who shall be *ex-officio* librarian; a treasurer, and three directors, who together shall constitute an executive committee, in whom shall be vested the direction and management of the affairs and concerns of the association.

Term of office. § 4. The officers of said association shall be chosen by ballot on the first Monday of May in each year, and shall held their offices until their successors are duly elected and qualified. Ten days previous notice of the annual election shall be given in the newspapers of the village of Manitowoc by the secretary of the association.

By-laws. § 5. The said corporation shall have power to make from time to time such by-laws, rules and regulations as shall be judged expedient and proper for the election of officers, prescribing the duties and functions of the same, and the mode of discharging those duties, for the government of the association, for the admission of new members, for regulating the admission fees, and annual rate of contribution to the funds of said association, for appointing the times and places for meeting, for suspending or expelling such officers and members as shall neglect or refuse to comply with said by-laws, rules and regulations, and for managing the general affairs of said association, and for filling vacancies that shall for any reason occur in the offices of the association.

Funds, &c. § 6. The estate, property and funds of the said corporation shall be devoted solely to the general purposes and objects specified in the first section of this act.

First election. § 7. The first annual election shall be held on a call made by a majority of the members mentioned in this act.

§ 8. This act shall take effect from and after its passage.

Approved March 21, 1859.

CHAPTER 246.

AN ACT for the relief of Frederick A. Boardman.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of the school and university lands of the State, are hereby authorized and directed to issue Frederick A. Boardman, a patent for the southeast quarter of the northwest quarter of section twenty-one, town sixteen, north of range seven west; the same being a portion of what is commonly known as the "swamp land grant," upon the payment in the usual manner by the said Frederick A. Boardman, of the sum of one dollar and twenty-five cents if not appraised, (and at the appraised value if the said land has been appraised or shall be appraised before the issuing of the patent, per acre therefor.) Authority to issue patent.

§ 2. This act shall take effect from and after its passage.

Approved March 21, 1859.

CHAPTER 247.

AN ACT to incorporate the Fond du Lac Gymnastic Association, called in German "Der Turn Verein Fond du Lac."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Anthony Vogt, John Reichardt, Moritz Krembs, Joseph Wolff, Charles Lucke, Charles Arlen, Paul Hauser, Richard Dix, Charles Frey, Jacob Frey, Louis Rupp, Philip Zipp, and George Seitz, who have united themselves into an association for the purpose of teaching and learning gymnastics, and for cultivating and improving the facilities of the body as well as of the mind, by gymnastic exercises, and by establishing and sustaining a reading room and a library, and for other similar purposes; and their associates are hereby created a body politic and corporate, located in the city of Fond du Lac, and known by the name of "The Fond du Lac Gymnastic Association," or in German, "Der Turn Verein Fond du Lac." Body corporate

CHAPTER 247.

Powers, &c.

§ 2. The said corporation shall have power to contract and to be contracted with, to sue and to be sued, to plead and to be impleaded with, to answer and to be answered unto, to defend and to be defended in all courts of law and equity in this State, and shall have perpetual succession and be vested with all the powers and privileges necessary to carry out and fulfill the object of their corporation.

Ibid.

§ 3. Said association shall keep a common seal, and shall have power and authority to acquire, purchase, receive, possess, be seized with and enjoy property, real and personal, not exceeding in value the sum of fifty thousand dollars; and the said association may alter said common seal and sell, rent, demise, convey or otherwise dispose of their real and personal estate at pleasure; also to effectuate loans, borrow money for the use of the corporation, to issue their bonds therefor, and to execute, sign, seal and deliver deeds, mortgages or other instruments in writing, as the case may require.

By-laws, &c.

§ 4. The said corporation shall have further power to establish for its government a constitution and by-laws, not inconsistent with the constitution or laws of this State, and make such rules and regulations as may be deemed necessary to carry into effect the object of their association.

Election of Trustees, &c.

§ 5. The members of said association shall have power to assemble and meet at such times and places as may be agreed upon, and they shall elect any number of discreet person of their association, not less than three nor more than nine in number, as trustees, to take charge of the real and personal property belonging thereto, as the laws of this State require, and to transact all business relative to the investment and disposal thereof.

Officers.

§ 6. It shall be lawful for said association to elect and appoint such other officers as the condition and the circumstances of the corporation may require, and to prescribe their powers and duties, and require bond and security for the faithful performance thereof in such penal sum and with such sureties as they may choose, and also prescribe the term of their office. *Provided*, however, That the trustees shall hold their offices in conformity with the law for at least one year, and until others are elected.

§ 7. The property, real and personal, of said cor-

Real and personal property.

poration shall be solely devoted to the purposes and objects of said association, and all real and personal estate which has been or may hereafter be lawfully conveyed by devise, gift, grant, purchase, or otherwise, to said society or to any person or persons, in trust for said association, shall descend with all improvements and appurtenances in perpetual succession to and be held by the trustees in trust for said corporation.

§ 8. This act shall take effect from and after its passage, and may be altered or amended by any future legislature.

Approved March 21, 1859.

STATE OF WISCONSIN, } ss.
SECRETARY'S OFFICE.

The Secretary of State of the State of Wisconsin does hereby certify, that the laws printed in this book have been compared with the original acts deposited in the office, and that they appear to be correctly printed.

In testimony whereof, I have hereunto set my hand and affixed the Great Seal of said State at the Capitol in Madison, this 29th day of June, 1859.

[L. S.]

D. W. JONES,
Secretary of State.

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